

REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-B **COMMISSION MEETING 8/18/10**

APPROVED BY

DEPARTMENT DIRECTOR

August 18, 2010

FROM:

JERRY D. BISHOP, Assistant Director

Development and Resource Management Department

KEITH R. BERGTHOLD, Assistant Director

Development and Resource Management Department

THROUGH:

MIKE SANCHEZ, Planning Manager

Development Services/Planning

BY:

ISRAEL TREJO, Planner

Development Services/Planning

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION NO. C-08-293.

VESTING TENTATIVE TRACT MAP NO. 5903/UGM AND ENVIRONMENTAL

ASSESSMENT NO. C-08-293/T-5903

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

- 1. ADOPT the Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 dated July 16, 2010, which was prepared for Conditional Use Permit Application No. C-08-293 and Vesting Tentative Tract Map No. 5903/UGM.
- 2. APPROVE Conditional Use Permit Application No. C-08-293 subject to compliance with the Conditions of Approval dated August 18, 2010.
- 3. APPROVE Vesting Tentative Tract Map No. 5903/ UGM subject to compliance with the Conditions of Approval dated August 18, 2010.

EXECUTIVE SUMMARY

Gary G. Giannetta, on behalf of Norman Kizirian, has filed Conditional Use Permit Application No. C-08-293 and Vesting Tentative Tract Map No. 5903/UGM pertaining to approximately 12.13 acres of property located on the west side of the North Chestnut Avenue alignment, north of East Copper Conditional Use Permit Application No. C-08-293 is a request to establish a Planned Development, which proposes to establish a private street and modified property development standards, including lot coverage and yard requirements. The lots will take access from a proposed gated community to the west of the subject site. Vesting Tentative Tract Map No. 5903/UGM proposes to subdivide the subject property into a six lot, and one remainder lot, single family residential planned development subdivision at a density of 0.74 units per acre; six lots are proposed on 4.48 acres, while the remainder is proposed at 7.64 acres. The subject property is located within the 2025 Fresno General Plan and the Woodward Park Community Plan. The 2025 Fresno General Plan and the Woodward Park Community Plan designate the subject site for low density residential (0.00 to 2.37 dwelling units per acre) planned land uses. Pursuant to section 12-403.B.2 of the Fresno Municipal Code, a zone district that does not meet the criteria of the Zone District Consistency Table (section 12-403.B.1) may be deemed consistent with the corresponding land use designation upon the submittal of a development plan. The development and subdivision of the subject property in accordance with Conditional Use Permit Application No. C-08-293 and Vesting Tentative Tract Map No. 5903/UGM are consistent with the 2025 Fresno General Plan and Woodward Park Community Plan.

PROJECT INFORMATION

PROJECT A 6 lot, and one remainder lot, single family residential planned development subdivision, on approximately 12.13 acres, to be

developed at a density of 0.74 dwelling units per acre. Six lots are proposed on 4.48 acres while the remainder is proposed at 7.64

acres

APPLICANT Gary G. Giannetta, on behalf of Norman Kizirian

LOCATION Located on the west side of the North Chestnut Avenue alignment,

north of East Copper Avenue

(Council District 6, Councilmember Brand)

SITE SIZE Approximately 12.13 acres

LAND USE Existing -One single family residence

> Proposed -A planned development with six lots on 4.48 acres

> > and a 7.64 acre remainder parcel

ZONING Existing -R-1/UGM (Single Family Residential District/Urban

Growth Management) (pre-zoned)

Proposed-No change

PLAN DESIGNATION

The proposed 6 lot, and one remainder lot, single family residential AND CONSISTENCY subdivision is consistent with the 2025 Fresno General Plan and

Woodward Park Community Plan designation of the site for low density

residential planned land uses

ENVIRONMENTAL

FINDING

Finding of Project Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and Mitigated

Negative Declaration No. A-09-02 dated July 16, 2010

PLAN COMMITTEE

RECOMMENDATION

The District 6 Plan Implementation Committee recommended approval

of the proposed project at its meeting on January 11, 2010

STAFF

RECOMMENDATION

Approve the vesting tentative tract map and conditional use permit application subject to compliance with the Conditions of Approval for

T-5903/UGM and for C-08-293 dated August 18, 2010

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Open Space – Golf Course	O/UGM Open Space/Urban Growth Management	Golf Course
South	Medium Low Density Residential	R-1/UGM (pre-zoned) Single Family Residential District/Urban Growth Management	Vacant and One Single Family Residence

East	Open Space – Golf Course	O/UGM Open Space/Urban Growth Management	Golf Course
West	Medium Density Residential	R-1/UGM Single Family Residential District/Urban Growth Management	Vacant

ENVIRONMENTAL FINDING

The Planning and Development Department staff have prepared an initial study and environmental checklist and evaluated the proposed development in accordance with the land use and environmental policies and provisions of the 2025 Fresno General Plan, the related Master Environmental Impact Report (MEIR) No. 10130 (SCH # 2001071097), and Mitigated Negative Declaration (MND) No. A-09-02 (SCH # 2009051016). The subject property has been proposed to be developed at an intensity and scale that is permitted by the Low Density Residential (0.00-2.18 dwelling units/acre) planned land use designation and R-1/UGM (pre-zoned) (Single Family Residential/Urban Growth Management) zone district classification for the subject site. Thus, the subdivision of the subject property in accordance with Vesting Tentative Tract Map No. 5903/UGM will not facilitate an additional intensification of uses beyond that which already exists or would be allowed by the above-noted planned land use designation. Moreover, it is not expected that the future development will adversely impact existing city service systems or the traffic circulation system that serves the subject property. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. If has been further determined that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by MEIR No. 10130 and MND No. A-09-02 as provided by CEQA Section 15177(b)(3).

Pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act), it may be determined that a subsequent project, as identified in the MEIR pursuant to Section 21157(b)(2) of the Public Resources Code and CEQA Guidelines Section 15177, falls within the scope of a MEIR, provided that the project does not cause significant impacts on the environment that were not previously examined by the MEIR. Relative to the specific project proposal, the environmental impacts noted in the MEIR, pursuant to the 2025 Fresno General Plan land use designation, include impacts associated with the Low Density Residential planned land use designation specified for the subject property. Based on the initial study prepared, the following findings are made: (1) The proposed project was identified as a Subsequent Project in MEIR No. 10130 because its land use designation and permissible densities and intensities are set forth in Figure I-1 of MEIR No. 10130; (2) The proposed project will not generate additional significant effects not previously identified and analyzed by the MEIR or MND No. A-09-02 (as indicated on the attached Environmental Assessment Checklist) for the reasons discussed within the environmental assessment for the subject project; and, (3) No new additional mitigation measures are required because the proposed project will not generate additional significant effects not previously identified and analyzed by the MEIR or MND.

Therefore, the project proposal has been determined to be within the scope of the MEIR and MND as defined by Section 15177 of the CEQA Guidelines and staff has properly published a Finding of Conformity to MEIR No. 10130 dated July 16, 2010, with no comments received to date. In addition, after conducting a review of the adequacy of the MEIR pursuant to Public Resources Code Section 21157.6(b)(1), the Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the MND adopted; and, that no new information, which was not know and could not have been known at the time that the MEIR was certified as complete or the MND was adopted, has become available.

BACKGROUND / ANALYSIS

Gary G. Giannetta, on behalf of Norman Kizirian, has filed Conditional Use Permit Application No. C-08-293 and Vesting Tentative Tract Map No. 5903/UGM pertaining to approximately 12.13 acres of property located on the west side of the North Chestnut Avenue alignment, north of East Copper Conditional Use Permit Application No. C-08-293 is a request to establish a Planned Development, which proposes to establish a private street and modified property development standards, including lot coverage and yard requirements. The lots will take access from a proposed gated community to the west of the subject site. Vesting Tentative Tract Map No. 5903/UGM proposes to subdivide the subject property into a six lot, and one remainder lot, single family residential planned development subdivision at a density of 0.74 units per acre; six lots are proposed on 4.48 acres, while the remainder is proposed at 7.64 acres. The subject property is located within the 2025 Fresno General Plan and the Woodward Park Community Plan. The 2025 Fresno General Plan and the Woodward Park Community Plan designate the subject site for low density residential (0.00 to 2.37 dwelling units per acre) planned land uses. Pursuant to section 12-403.B.2 of the Fresno Municipal Code, a zone district that does not meet the criteria of the Zone District Consistency Table (section 12-403.B.1) may be deemed consistent with the corresponding land use designation upon the submittal of a development plan. The development and subdivision of the subject property in accordance with Conditional Use Permit Application No. C-08-293 and Vesting Tentative Tract Map No. 5903/UGM are consistent with the 2025 Fresno General Plan and Woodward Park Community Plan.

Rezone Application No. R-07-72

On February 26, 2008, the City Council heard and approved Rezone Application No. R-07-72 pertaining to seven parcels totaling 51.29 acres of property generally located on the north side of East Copper Avenue between North Willow and North Maple Avenues. The application proposed to rezone the seven parcels from the AE-20 (Exclusive Twenty Acre Agriculture-county) zone district and the PV (Planned Village-county) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district. The subject property is within the boundary of the area proposed to be rezoned per Rezone Application No. R-07-72.

The R-1/UGM (Single Family Residential/Urban Growth Management) zone designation for the subject property will become effective upon annexation of the property into the City of Fresno. The subject property has not annexed into the City of Fresno.

General Plan Amendment Application No. A-08-004

Subsequent the approval of Rezone Application No. R-07-72, the Fresno City Council approved General Plan Amendment Application No. A-08-004 which reclassified the subject site from the medium-low density residential (2.19-4.98 Dwelling Units/Acre) planned land use designation to the low density residential (0.0-2.18 Dwelling Units/Acre) planned land use designation. Said general plan amendment was submitted by the applicant in order to facilitate the processing of the subject applications.

Conditional Use Permit Application (CUP)

In addition to submitting a vesting tentative tract map, the applicant has submitted Conditional Use Permit Application No. C-08-293. Pursuant to Section 12-306-N-21 of the Fresno Municipal Code (FMC), a CUP is required in order to create a planned development. As part of the CUP, an applicant may request a modification of development standards, including lot size, setbacks and yard areas. Conditional Use Permit Application No. C-08-293 is a request to establish a Planned Development, which proposes a private street and modified property development standards, including lot coverage and yard requirements. The lots will take access from a proposed gated community to the west of the

subject site. Lots within planned developments may have modified lot widths, depths and areas. All of the proposed lots within the subdivision contain at least 21,000 square feet.

Sidewalks

Policy E-1-o of the 2025 Fresno General Plan, states "for new single-family residential subdivisions, sidewalks are required on both sides of local residential streets". The conditions of approval dated August 18, 2010, require that sidewalks be constructed on both sides of the proposed private residential street.

It is noted that the Development and Resource Management Department has initiated General Plan Amendment Application No. A-09-009, which is a proposal to amend Policy E-1-o of the 2025 Fresno General Plan. The plan amendment proposes to allow a developer the opportunity to submit a pedestrian access plan as an alternative to constructing sidewalks on both sides of the street. The plan amendment has been scheduled before the Fresno City Council on August 26, 2010.

Access

As the abutting Copper River Ranch area has developed, a portion of the subject property (westerly portion) is now viable for development. The applicant has intended to develop the property for some time, however was prohibited from developing due to the lack of access to public infrastructure and a local street pattern. Access to the subject property has been dependent on the Copper River Ranch development.

Vesting Tentative Tract Map No. 5273/UGM has been submitted, but has not been approved, for property to the west of the subject site. The six lots, and remainder lot, proposed with the subject applications will take access from within Vesting Tentative Tract Map No. 5273/UGM.

Community Plan Citizen Committee

The District 6 Plan Implementation Committee recommended approval of the proposed project at its meeting on January 11, 2010.

Public Services

The Public Utilities Department has identified sanitary sewer and water requirements for this project. These conditions are listed in the memorandums dated July 28, 2010 and February 11, 2010.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that the westerly portion of the project can be accommodated by the district. Permanent drainage service is not available for the easterly portion of the subject property. The district recommends temporary facilities until permanent facilities are available. The project applicant shall comply with the FMFCD requirements as detailed in its memorandum dated July 12, 2010.

The City of Fresno Fire Department has submitted comments indicating the proposed project is located within two miles from Fresno Fire Station No. 17. Additionally, the second point of access to the site will be provided via a dedicated fire protection easement.

Circulation Element Plan Policies and Major Street System Traffic Capacity

The Public Works Department, Traffic Engineering Division has reviewed the proposed vesting tentative tract map application and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic generated, subject to requirements for

improvements and right-of-way dedications as listed within the City of Fresno Department of Public Works memorandum dated July 28, 2010.

The project will be required to pay the Traffic Signal Mitigation Impact (TSMI) Fee for each dwelling unit at the time of occupancy, based on the trip generation rates set forth in the latest edition of the ITE Trip Generation Manual and the Master Fee Schedule. The project will also be required to pay all applicable New Growth Area fees (Fresno Major Street Impact (FMSI) Fee and City-wide regional street impact fees.

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. These streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system.

State Department of Transportation (Caltrans)

The California Department of Transportation (Caltrans), District 6, Office of Intergovernmental Relations has reviewed the conditional use permit and vesting tentative tract map applications. Caltrans comments and recommendations are included within the attached memorandum dated July 7, 2010. Caltrans indicates that a fee of \$1,057 is required in order to mitigate the project's impacts to the State Route 41/Friant Road interchange.

Notice of Planning Commission Hearing

The Development and Resource Management Department mailed notices of this Planning Commission hearing to all surrounding property owners within 350 feet of the subject property, pursuant to Section 12-401-C-2 of the Fresno Municipal Code.

Conditional Use Permit Application Findings (Planned Development)

Conditional Use Permit Application No. C-08-293 proposes the development of a 6 lot and one remainder lot single family residential planned development. The planned development, proposed within a gated community, with have a private street and modified property development standards. Based upon analysis of the conditional use permit application and subject to the applicant's compliance with all of the Conditions of Approval dated August 18, 2010, staff concludes that the following required findings of Section 12-405-A-2 of the Fresno Municipal Code can be made.

- 1. All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,
 - Conditional Use Permit Application No. C-08-293 will comply with all applicable codes, including, landscaping, walls, etc., given that the special conditions of project approval will ensure that all conditions are met.
- 2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,
 - The Public Works, Traffic Engineering Division reviewed the proposed project and assessed the adjacent streets to ensure that the proposal would not have significant impacts on traffic and the surrounding community.

3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of the FMC.

With the adoption of the 2025 Fresno General Plan, the city analyzed the impacts of converting land into urban uses and determined that it is necessary to convert land within the sphere of influence in an attempt to provide housing, growth, employment opportunities, etc.

Vesting Tentative Tract Map Findings

The Subdivision Map Act (California Government Code §§ 66400, et seq.) requires that a proposed subdivision not be approved unless the map, together with its design and improvements, is found to be consistent with the General Plan and any applicable specific plan (Finding No. 1 below).

State law further provides that the proposed subdivision map be denied if any one of the Finding Nos. 2 - 5 below is made in the negative. In addition, State law requires that a subdivision be found to provide for future passive and natural heating or cooling opportunities in the subdivision development (Finding No. 6 below).

- 1. The proposed subdivision map, together with its design and improvements, is consistent with the City's 2025 General Plan and the Woodward Park Community Plan, because the plans designate the site for low density residential planned land uses and the project design meets the density and zoning ordinance criteria for development in these plan designations.
- 2. This site is physically suitable for the proposed type and density of development, because conditions of approval will ensure adequate access and drainage on and off the site.
- 3. The proposed subdivision design and improvement is not likely to cause substantial and considerable damage to the natural environment, including fish, wildlife or their habitat, because the area is not known to contain any unique or endangered species and the urbanized nature of the area in which the site is located.
- 4. The proposed subdivision design and improvements are not likely to cause serious public health and safety problems, because the conditions of approval have shown and will insure that the subdivision conforms with city health and safety standards.
- 5. The proposed subdivision design will not conflict with public easements within or through the site, because conditions of approval will assure noninterference with any existing or proposed public easements.
- 6. The design of the subdivision provides, to the extent feasible, for future passive and natural heating or cooling opportunities in the subdivision, because of the appropriate use and placement of landscaping plant materials and because of the orientation of the proposed lots.

The subdivision map, subject to the recommended conditions of approval, complies with the design and property development standards of the Zoning Ordinance and local Subdivision Ordinance. Based upon the plans and information submitted by the applicant and the recommended conditions of project approval, staff has determined that these findings can be made.

Planning Commission action of the proposed Vesting Tentative Tract Map and Conditional Use Permit, unless appealed to the Council, is final.

Attachments: Vicinity Map

2008 Aerial Photograph of Site Public Hearing Notice Vicinity Map

Proposed Vesting Tentative Tract Map No. 5903/UGM dated June 14, 2010

Proposed Site Plan for Conditional Use Permit Application No. C-08-293 dated June 14, 2010

Conditions of Approval for T-5903/UGM dated August 18, 2010

Conditions of Approval for CUP Application No. C-08-293 dated August 18, 2010

Comments and Requirements from Responsible Agencies

Environmental Assessment No. C-08-293/T-5903, Finding of Conformity to the 2025 Fresno General Plan MEIR No. 10130 and Mitigated Negative Declaration No. A-09-02 dated July 16, 2010.



VICINITY MAP

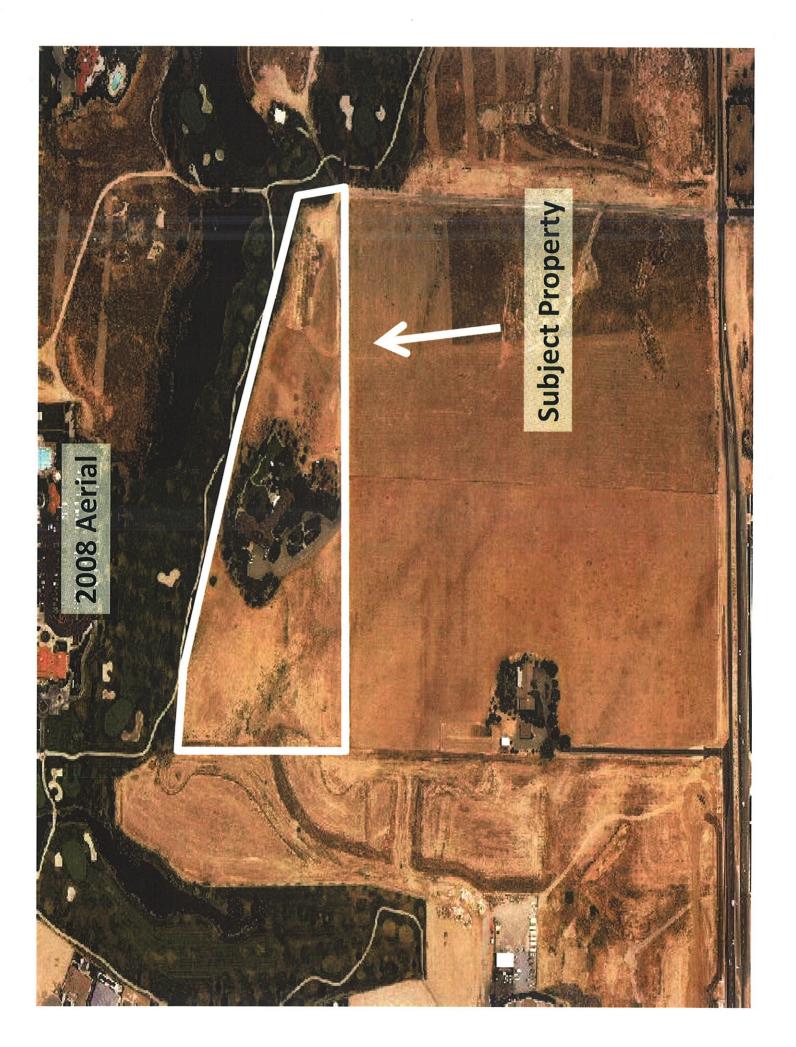
DEVELOPMENT & RESOURCE MGMT DEPARTMENT

CONDITIONAL USE PERMIT NO. C-08-293 & VESTING TENT. TRACT NO. 5903/UGM

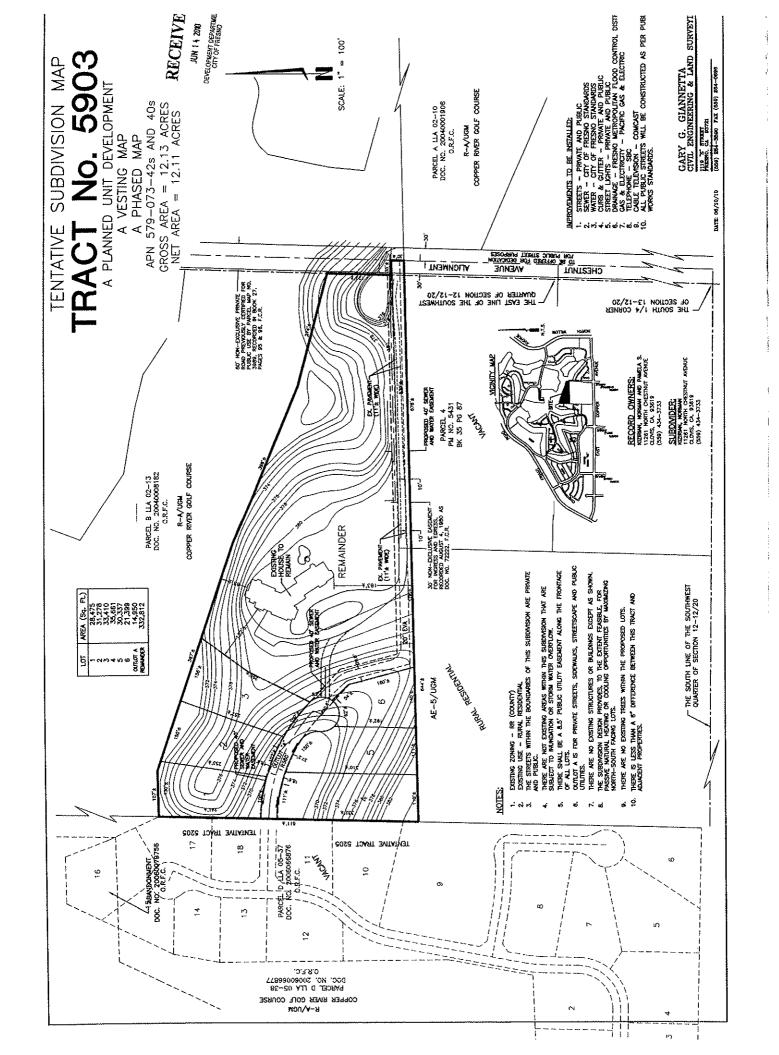


A.P.N.:	579-074-33 & 34

ZONE DIST.: R-1/UGM (pre-zoned)
BY/DATE:







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14, A USA PEDANT MO RECONDENCE OF THOS SKILDINGS PRINCED PRIOR TO COLUMNS OF BALLIANS PROMES. S. SOBERT DIGRECTIVES STREET, CONSTITUTION RAWS TO FLORED WORSS DEPARTMENTS.

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CITY OF FRESNO PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONS OF APPROVAL AUGUST 18, 2010

VESTING TENTATIVE TRACT MAP No. 5903/UGM "A PLANNED DEVELOPMENT"

WEST SIDE OF THE NORTH CHESTNUT AVENUE ALIGNMENT, NORTH OF EAST COPPER AVENUE

All tentative maps are subject to the applicable provisions of the State Subdivision Map Act, Fresno Municipal Code (FMC), City policies, and City of Fresno Standard Specifications. The following specific conditions are applicable to this vesting tentative map.

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code §66020(d)(1), the imposition of fees, dedications, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations or exactions imposed on the development project.

URBAN GROWTH MANAGEMENT REQUIREMENTS (GENERAL)

The subdivider of property located within the UGM boundaries shall comply with all sewer, water and street requirements and pay all applicable UGM fees imposed under the Urban Growth Management process (with appropriate credit given for the installation of required UGM improvements) in accordance with the requirements of State Law as related to tentative tract maps.

GENERAL CONDITIONS

- 1. Upon conditional approval of Vesting Tentative Tract Map No. 5903/UGM, dated June 14, 2010, the subdivider may prepare a Final Map in accordance with the approved vesting tentative map and Conditional Use Permit Application No. C-08-293.
- 2. An Air Impact Assessment (AIA) application for the proposed project shall have been submitted to the San Joaquin Valley Air Pollution Control District prior to the submittal/acceptance of any phase of the Final Map for recordation/processing.
- 3. The developer/owner shall pay the appropriate park facilities fee and/or dedicate lands for parks and recreation purposes pursuant to Ordinance Nos. 2005-112 and 2005-113 adopted by the Fresno City Council on September 27, 2005.
- 4. Submit grading plans and a soils report to the City of Fresno Planning and Development Department for verification prior to Final Map approval (Reference: Sections 12-1022 and 12-1023 of the Fresno Municipal Code). Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.
- At the time of Final Map submittal, the subdivider shall submit engineered construction
 plans to the City of Fresno Public Works, Public Utilities, and Planning and Development
 Departments for grading, public sanitary sewer system, public water system, street

lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.

- 6. Engineered construction plans shall be approved by the City prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans.
- 7. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.
- 8. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, Article 10, Chapter 12, "Subdivision of Real Property;" Resolution No. 68-187, "City Policy with Respect to Subdivisions;" and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.
- 9. The subdivider shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water and sewer service, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution No. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of State law as related to vesting tentative maps.
- 10. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code (FMC) and the State Subdivision Map Act. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the City. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the City, the subdivider may elect to enter into an agreement with the City to thereafter guarantee the completion of the improvements.
- 11. A Certificate of Compliance shall be required of the subdivider/owner prior to the sale, lease, or finance of the remainder parcel.
- 12. As a condition of Final Map approval, the subdivider shall furnish to the City a subdivision guarantee listing all parties having any right, title or interest and the nature of their interest per State law.

GENERAL INFORMATION

- 13. Contact the United States Postal Service for the location and type of mailboxes to be installed in this subdivision.
- 14. Prior to the issuance of building permits for the subdivision, school construction fees shall be paid to the Clovis Unified School District in accordance with the school district's adopted schedule of fees.

- 15. Pursuant to Section 66456.1 of the Subdivision Map Act, which states "The right of the subdivider to file multiple Final Maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple Final Maps," multiple final maps filed by the subdivider on this tract shall fully and independently conform to all provisions of Fresno Municipal Code Chapter 12, Article 10, Subdivision of Real Property.
- 16. The developer/owner shall obtain any and all permits required for the removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement of tract grading work, in accordance with Chapter 13 of the Fresno Municipal Code.
- 17. The subdivider shall comply with Regulation VIII of the San Joaquin Valley Air Pollution Control District for the control of particulate matter and fugitive dust during construction of this project.
- 18. The developer shall comply with Rule 8060 of the San Joaquin Valley Air Pollution Control District for the control of fugitive dust requirements from paved and unpaved roads.
- 19. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
- 20. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: (559) 268-0109; after hours the contact phone number is (559) 488-3111 for the Fresno County Sheriff's Department). If remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (phone number (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists.
- 21. If animal fossils are uncovered, the Museum of Paleontology at the University of California, Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.
- 22. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any State or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment or pay off such assessment in full.

If the subdivider elects to apportion the assessment, the application shall contain the following information:

a) A full description of each assessed lot, parcel or interest to be divided and of how such lot, parcel or interest will be divided;

- b) A request that the Engineer apportion the amount remaining unpaid on the assessment in accordance with applicable law; and
- c) Written consent of the owner(s) of each such lot, parcel, or interest to the requested apportionment.
- d) The application shall be filed prior to the approval of the Final Map(s) by the City and shall be accompanied by a fee in an amount specified in the Master Fee Resolution for each separate lot, parcel, or interest into which the original assessed lot, parcel or interest is to be divided. The fee shall be in an amount sufficient to pay all costs of the City and the Engineer of Work responsible for determining the initial assessment in making the requested apportionment.
- 23. Prior to final map approval, the owner of the subject property shall execute a "Right to Farm" covenant with the City of Fresno. Said covenant is to run with the land and shall acknowledge and agree that the subject property is in or near agricultural districts located in the City and County of Fresno and that the residents of said property should be prepared to accept the inconveniences and discomfort associated with normal farm activities. The "Right to Farm" covenant shall be recorded prior to or concurrent with the recording of the Final Map of Vesting Tentative Tract Map No. 5903/UGM.

ANNEXATION

- 24. The applicant shall pay his proportional share of transitional fire fees, prior to approval of a Final Map, as related to the annexation of the subject property into the city of Fresno.
- 25. The subject property shall be annexed into the city of Fresno prior to approval of a Final Map.

ZONING & PROPERTY DEVELOPMENT STANDARDS

- 26. As a proposed "Planned Development" subdivision, approval of Vesting Tentative Tract Map No. 5903/UGM is contingent upon approval of Conditional Use Permit Application No. C-08-280; authorizing the planned development of the subject property.
- 27. The subject property is zoned R-1/UGM (Single Family Residential District/Urban Growth Management). Any development on the subject property or individual lots resulting from a subdivision thereof shall comply with the property development standards of the R-1 (Single Family Residential) zone district except as may be modified herein pursuant to Conditional Use Permit Application No. C-08-293.

Access

- 28. In accordance with Section 12-1011(f)(6) of the Fresno Municipal Code every lot shall abut on a public street right-of-way, except where adequate internal circulation is provided by a private street or streets in an approved planned unit development.
 - a) All lots proposed to be created by Vesting Tentative Tract Map No. 5903/UGM must be provided access to a public street right-of-way under a planned development special permit.
 - i) Recordation of a final map for Vesting Tentative Tract Map No. 5903/UGM is contingent upon the prior recordation of a final map (or phase) of Vesting

Vesting Tentative Tract Map No. T-5903/UGM August 18, 2010 Page 5 of 10

Tentative Tract Map No. 5273/UGM; providing for adequate circulation for the provision of access to a public street right-of-way.

Lot Area and Dimensions

- 29. Pursuant to Section 12-306-N-21 of the FMC the Director of the Planning and Development Department or the Planning Commission may modify the property development standards of the underlying zone district if determined that the proposed development conforms to the provisions of the abovementioned section. However, in no case shall proposed parcels be less than the following minimum standards:
 - a) Proposed lots shall be configured and dimensioned in accordance with Vesting Tentative Tract Map No. 5903/UGM dated June 14, 2010.

Building Setbacks

30. Building setbacks shall be provided in accordance with the Conditions of Approval for Conditional Use Permit Application No. C-08-293 dated August 18, 2010 and Exhibit "A" of Conditional Use Permit Application No. C-08-293 dated June 14, 2010.

Fences, Hedges & Walls

- 31. Construction plans for required walls showing architectural appearance and location of all walls shall be submitted to the Planning and Development Department for review prior to Final Map approval.
- 32. Fences, hedges, and walls, not greater than six feet in height, shall be permitted on all rear and side property lines and on or to the rear of all front yard setback lines.
 - a) Fences, hedges, and walls shall be located to the rear of pedestrian and planting easements/landscaped areas.

LANDSCAPING AND OPEN SPACE

33. Comply with the requirements of the Department of Public Works memorandum from the Parks Supervisor dated August 10, 2010.

STREETS AND RIGHTS-OF-WAY

- 34. The note, "60 foot non-exclusive private road previously certified for public use by Parcel Map No. 3989, Recorded in Book 27, Pages 95 & 96, F.C.R." on Vesting Tentative Tract Map No. 5903/UGM, dated June 14, 2010 is incorrect. The City has been unable to find an offer or acceptance of the private road on PM 3989.
- 35. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the FMC and the State Subdivision Map Act.
- 36. Pursuant to 2025 Fresno General Plan Policy E-1-o, sidewalks are required on both sides of the private street. A pedestrian easement shall be dedicated along the frontage of each lot proposed to be created by Vesting Tentative Tract Map No. 5903/UGM to allow for the provision of sidewalks.

- 37. The subdivider shall make provisions for disabled persons in accordance with the Department of Public Works standards and as required by State law. Handicap access ramps are required to be constructed in sidewalks at all corners within the limits of the tract. Where street furniture is located within the sidewalk area (fire hydrants, streetlights, etc.), a minimum of 48 inches of unobstructed path shall be maintained to satisfy the American Disabilities Act requirements. If necessary, dedicate a pedestrian easement to accommodate for the 4-foot minimum unobstructed path requirement.
- 38. Comply with the requirements of the Public Works Department, Engineering Division letter dated July 28, 2010.

SANITARY SEWER SERVICE

The nearest sanitary sewer main to serve the proposed project is a 12-inch main located in North Knotting Hill Drive. Sanitary sewer facilities will be available to provide service to the tract subject to the following requirements:

39. Comply the requirements of the attached Public Utilities Department, Planning and Engineering Division memorandum dated July 28, 2010.

WATER SERVICE

40. Comply with all of the requirements of the attached Department of Public Utilities, Water Division memorandum dated February 11, 2010.

SOLID WASTE SERVICE

41. Comply with all of the requirements of the attached Department of Public Utilities, Solid Waste Division memorandum dated July 6, 2010.

FIRE SERVICE

42. Comply with all of the requirements of the attached Fresno Fire Department memorandum dated July 13, 2010.

FLOOD CONTROL AND DRAINAGE

- 43. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (FMFCD) for the subdivision or any amendments or modifications to those requirements which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code. These requirements are identified in the District's letters to the Planning and Development Department dated July 12, 2010.
- 44. Any temporary basin constructed for or used by this subdivision requires approval of FMFCD and the City of Fresno, and may only be implemented through a covenant between the City and the Developer prior to Final Map approval. Temporary basins shall be fenced within seven days of the time a basin becomes operational (or as directed by the City Engineer) and fencing shall conform to City of Fresno Public Works Standard No. P-45. The Fresno Mosquito and Abatement District shall be provided access rights and a means of entry for inspection and mosquito abatement activities for all on-site basins (refer to attached map of mosquito abatement districts in the Fresno-Clovis Metropolitan Area). Attached hereto, and incorporated by reference, is a copy of the

updated Public Works Standard No. P-62 for temporary on-site ponding basins, and a copy of the City of Fresno's Guidelines for Ponding Basin / Pond Construction and Management, dated October 29, 2004. Maintenance of temporary ponding basins shall be the responsibility of the subdivider until permanent service for the entire subdivision is provided.

COUNTY OF FRESNO DEPARTMENT OF COMMUNITY HEALTH

45. Comply with all of the requirements of the attached County of Fresno Department of Community Health memorandum dated July 8, 2010.

FRESNO IRRIGATION DISTRICT

46. Comply with the letters from the Fresno Irrigation District dated December 21, 2009 and July 12, 2010.

CALTRANS

47. Comply with the letter from the Department of Transportation dated July 7, 2010.

STREET NAMES

48. Comply with the street name review memorandum dated December 16, 2009.

RIGHT-OF-WAY ACQUISITION

- 49. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.
- 50. Rights-of-way acquisition shall include any rights-of-way necessary for proper drainage, signing, pole relocation, and shoulder grading. In general, this will require right-of-way to be provided approximately 10 feet outside the travel lane. The exact requirement must be determined at the project design stage based on the existing conditions and detailed design information.
- 51. In the event an acquisition of any easement or right-of-way is necessitated by the subject development, said acquisition will be accomplished prior to Final Map approval. The developer/owner should contact the Real Estate Section of the Public Works Department to receive procedural guidance in such acquisitions.
- 52. Should such acquisition not be accomplished by the subdivider prior to Final Map approval, the subdivider must request and grant to the City the full authority to attempt acquisition either through negotiation or through its power of eminent domain. The subdivider shall furnish to the City Public Works Department, Engineering Division/ Real Estate Section, an appraisal report or a request for an estimated appraisal amount (to be determined by the City of Fresno Real Estate Section) prior to preparation of a Subdivision Agreement.
- 53. The subdivider shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with the acquisition, including staff time, attorney's fees, appraisal fees, court costs, and all related expenditures and costs necessary to effect the acquisition of such easements or rights-of-way.

MAINTENANCE OBLIGATIONS

- 54. The long term maintenance of all the items listed below is the ultimate responsibility of the owner/developer. The property owner/developer shall create a homeowners' association for the maintenance of these items and proposed private streets, utilities, and walls/gates pursuant to a formal agreement with the City pursuant to Section 12-1026 of the Fresno Municipal Code.
 - a) Maintenance of all landscaping and irrigation systems within the outlot associated with the subdivision.
 - b) Maintenance of all local street curbs, gutters and sidewalks within the boundary of the tentative map.
 - c) Maintenance of all local street furniture and street lights (including operating costs) within the boundary of the tentative map.
 - d) Maintenance of all street trees within the boundary of the tentative map.
 - NOTE: The owner/developer may include such other items as are deemed appropriate and necessary to the sustainability of the subdivision and its amenities within the responsibilities of the association.
- 55. The agreement with the City described hereinabove, shall among other things, specify level of effort and frequency, insurance requirements, traffic control, and inspection and be subject to approval by the Director of Public Works and the City Attorney's Office.
- 56. The proposed Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and the proposed instruments for the homeowners association shall be submitted to the Planning and Development Department for review two weeks prior to final map approval. Said documents shall be recorded with the final map or alternatively submit recorded documents or documents for recording prior to final acceptance of subdivision improvements. Said documents shall include assignment of responsibility to the homeowners association for landscaping and other provisions as stated in the Planning and Development Department Guidelines for preparation of CC&Rs dated January 11, 1985.
- 57. The annexation of the Homeowners Association for Vesting Tentative Tract Map No. 5903/UGM to the Homeowners Association for T-5273 must be approved prior to the approval of the final map of Vesting Tentative Tract Map No. 5903/UGM. The Homeowners Association must include the proposed Remainder parcel as the site plan delineates intended access from the Remainder to the private street.

DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

SEWER CONNECTION CHARGES

FEE RATE

a. Lateral Sewer Charge [4]

\$0.10/sq. ft. (to 100' depth)

b. Oversize Charge [4]

\$0.05/sq. ft. (to 100' depth)

Vesting Tentative Tract Map No. T-5903/UGM August 18, 2010 Page 9 of 10

u. Police Facilities Impact Fee - Citywide [4]

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C.	Trunk Sewer Charge [2] Service Area: Herndon	\$496.00/living unit	
d.	Wastewater Facilities Charge [3]	\$2,119.00/living unit	
e.	Copper River Ranch Sewer Backbone System [4]	\$613.67/living unit	
f.	Copper Avenue Sewer Lift Station Charge [4]	N/A	
g.	House Branch Sewer Charge [2]	N/A	
WATI	ER CONNECTION CHARGES	FEE RATE	
h.	Service Connection Charge	Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and Meter(s) established by the Master Fee Schedule	
i.	Frontage Charge [4]	\$6.50/lineal foot	
j.	Transmission Grid Main Charge [4]	\$643.00/gross acre (parcels 5 gross acres or more)	
k.	Transmission Grid Main Bond Debt Service Charge [4]	\$243.00/gross acre (parcels 5 gross acres or more)	
l.	UGM Water Supply Fee [2] Service Area: 101-S	\$456.00/living unit	
m	. Well Head Treatment Fee [2] Service Area: 101	\$0.00/living unit	
n.	Recharge Fee [2] Service Area: 101	\$0.00/living unit	
Ο.	1994 Bond Debt Service [4] Service Area: 101	\$895.00/living unit	
CITY	WIDE DEVELOPMENT IMPACT FEES	FEE RATE	
p.	Fire Facilities Impact Fee – Citywide [4]	\$539.00/living unit	
q.	Park Facility Impact Fee – Citywide [4]	\$2278.00/living unit	
r.	Quimby Parkland Dedication Fee [2]	\$1120.00/living unit	
S.	Citywide Regional Street Impact Fee [4]	\$8,361.00/adj. acre	
t.	New Growth Area Major Street Fee [4]	\$18,790.00/adj. acre	
		*·	

\$624.00/living unit

Vesting Tentative Tract Map No. T-5903/UGM August 18, 2010 Page 10 of 10

v. Traffic Signal Charge [4]

\$450.94/living unit

Notes:

On July 22, 2008, the Fresno County Board of Supervisors passed Ordinance No. 2008 – 023 requiring the payment of County Public Impact Facilities Impact Fees. The effective date of this ordinance is September 20, 2008. Contact the County of Fresno, Public Works and Planning Department to determine payment of this fee obligation. Confirmation by the County of Fresno is required before the City of Fresno can issue building permits.

- [1] Deferrable through Fee Deferral Covenant.
- [2] Due at Final Map.
- [3] Due at Building Permit.
- [4] Due at Certificate of Occupancy.
- [5] Determined by Public Works.

CITY OF FRESNO PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONS OF APPROVAL AUGUST 18, 2010 CONDITIONAL USE PERMIT APPLICATION NO. C-08-293 "A PLANNED DEVELOPMENT"

WEST SIDE OF THE NORTH CHESTNUT AVENUE ALIGNMENT, NORTH OF EAST COPPER AVENUE

PART A - PROJECT INFORMATION

1. Assessor's

Parcel No(s): 579-074-33 and -34

2. Street Location: Located on the west side of the North Chestnut Avenue alignment, north

of East Copper Avenue

(Council District 6, Councilmember Brand)

3. Existing Zoning R-1/UGM (pre-zoned) (Single Family Residential/Urban Growth

Management) zone district

4. Proposed Zoning No change

5. Planned Land Use: Low Density Residential (0.00-2.18 dwelling units/acre)

6. Plan Areas: 2025 Fresno General Plan and Woodward Park Community Plan

7. Project Description: Requests authorization to establish a private street planned

development with modified property development standards for 6 lots proposed to be created by Vesting Tentative Tract Map No. 5903/UGM

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The special permit application is subject to the enclosed list of conditions and Exhibit "A" dated June 14, 2010.

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Conditions of Approval Conditional Use Permit Application No. C-08-293 August 18, 2010 Page 2 of 6

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Fresno Municipal Code Section 12-405.A can be made.

Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:

- All existing and proposed improvements including but not limited to buildings and structures, signs
 and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject
 property and all of the preceding which are located on adjoining property and may encroach on the
 subject property;
- 2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
- 3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Planning and Development Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. (Include this note on the site plan.)

No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted. (Include this note on the site plan.)

Transfer all red line notes, etc., shown on the original site plan exhibit to the final site plan. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit must be commenced by August 18, 2014 (four years from the date of Director approval). There is no exception.

To complete the back-check process for building permit relative to planning and zoning issues, submit copies of this corrected, final site plan, together with copies of the elevations, landscape, and irrigation plans, and any required covenants and/or studies or analyses to the Planning Division for final review and approval, ten days before applying for building permits.

Copies of this final approved site plan, elevations, landscape, and irrigation plans stamped by the Planning Division <u>must be substituted</u> for unstamped copies of the same in each of the sets of construction plans submitted for plan check <u>prior</u> to issuance of building permits. The final approved site plan must also include all corrections identified in the plan check process.

Conditions of Approval Conditional Use Permit Application No. C-08-293 August 18, 2010 Page 3 of 6

Be advised that on-site inspections will not be authorized <u>unless</u> the final stamped approved site plan, elevations, landscape, and irrigation plans are included in the plan check file copy.

Please contact Israel Trejo at (559) 621-8044 or via e-mail at Israel. Trejo@fresno.gov to schedule an appointment for final sign-off for building permits following your receipt and substitution of the four copies of the stamped, corrected, approved exhibits in the plan check sets.

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservation or exactions imposed on the development project.

This notice does not apply to those fees, dedications, reservations or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

PART C - PUBLIC IMPROVEMENT REQUIREMENTS

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, for which this review process is dependent, will be imposed whenever such conditions are disclosed.

Questions relating to dedications, street improvements or off-street parking geometrics may be directed to Louise Gilio at (559) 621-8678 / <u>Louise.Gilio@fresno.gov</u> of the City of Fresno Public Works Department, Engineering Division, Traffic Section.

1. STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

- a) Exhibit "A" is required to include all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc., within the existing and proposed public rights-of-way.
- b) Provide and identify a minimum four (4) foot wide path of travel along the sidewalk directly in front of all properties created within the subdivision as required by Title 24 of the California Administration Code. An on-site pedestrian easement may be required if Title 24 requirements cannot be met within the existing public right-of-way.
- c) ENCROACHMENT PERMITS. The construction of any overhead, surface or sub-surface private structures and appurtenances extending within the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Engineering Division, Special Districts/Projects and Right of Way Section, (559) 621-8693. Encroachment permits must be approved <u>prior</u> to issuance of building permits.

Conditions of Approval Conditional Use Permit Application No. C-08-293 August 18, 2010 Page 4 of 6

- d) DEDICATIONS. The following dedication requirements must be satisfied <u>prior</u> to the issuance of building permits:
 - Dedications shall take place in accordance with the Conditions of Approval of Vesting Tentative Tract Map No. 5903/UGM dated August 18, 2010.

2. STREET IMPROVEMENTS

- a) All public improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department or street construction plans required and approved by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian, water and sewer utility easements) requires a Street Work Permit issued by the Public Works Department, Engineering Services Division at (559) 621-8693, prior to commencement of the work. Contact the Public Works Department, Engineering Services Section at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the City prior to occupancy.
- b) Existing off-site concrete improvements to remain in place shall be repaired if damaged and/or off grade as determined by the Public Works Department, Construction Management Division (559) 621-5500. Such repairs must be completed <u>prior</u> to final occupancy.
- c) Design and construct curb, gutter, AC paving, and residential sidewalk patterns to Public Works standards, specifications, and policies. Plans shall be prepared by a registered Civil Engineer.
- d) Submit the following as a single package to the Public Works Department Engineering Division, Plan Check and GIS Mapping Section, (559) 621-8682, for review and approval, prior to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Landscape and Irrigation Plans.

SURVEY MONUMENTS AND PARCEL CONFIGURATION

a) All survey monuments within the area of construction shall be preserved and if disturbed, shall be reset by a person licensed to practice Land Surveying in the State of California. (Include this note on the site plan.)

PART D - PLANNING/ZONING REQUIREMENTS

1) PLANNING

- a) Development is subject to the following plans and policies:
 - i) "R-1," Single Family Residential District (Section 12-211 of the FMC) (pre-zoned)
 - ii) 2025 Fresno General Plan
 - iii) Woodward Park Community Plan

Conditions of Approval Conditional Use Permit Application No. C-08-293 August 18, 2010 Page 5 of 6

2) ZONING

a) Approval of Conditional Use Permit Application No. C-08-293 is contingent upon approval of Vesting Tentative Tract Map No. 5903/UGM.

3) POPULATION DENSITY

- a) Pursuant to the low density residential planned land use designation for the subject property; the subject property shall be developed in accordance with Vesting Tentative Tract Map No. 5903/UGM dated June 14, 2010 and Exhibit "A" of Conditional Use Permit Application No. C-08-293 dated June 14, 2010.
 - i) Based upon the number of dwelling units (du) allowed per acre, respective to the low density residential planned land use designation, the subject property is required to be developed with between 0.00-2.18 du/acre to meet the density requirements of the 2025 Fresno General Plan and FMC.
 - ii) A subsequent entitlement will be required in order to revise the current development proposal or authorize an alternative development scheme for the subject property.

4) **BUILDING HEIGHT**

- a) No building or structure erected in the R-1 (*Single Family Residential*) zone district shall have a height greater 35 feet.
- b) All accessory buildings on the lots proposed to be created by Vesting Tentative Tract Map No. 5903/UGM dated June 14, 2010 shall comply with the requirements and provisions of the development standards of the FMC for the R-1 zone district and are subject to the provisions of Section 12-306-N-1 (Accessory Buildings) of the FMC.
 - NOTE: Exceptions. Over height structures may be approved by the City of Fresno Planning Commission or Director of the Planning and Development Department. However, no roof structure or any space above the height limit shall be allowed for the purpose of providing additional living or floor space.

5) BUILDING AND YARD SETBACKS AND SPACES BETWEEN BUILDINGS

Setbacks shall be provided in accordance with Exhibit "A" of Conditional Use Permit Application No. C-08-293 and the Conditions of Approval for Vesting Tentative Tract Map No. 5903/UGM dated June 14, 2010.

- a) Any proposed deviation from the building setbacks established by Exhibit "A" of Conditional Use Permit Application No. C-08-293 requires a revision to said Conditional Use Permit.
- b) Spaces between buildings shall be provided in accordance with the approved building setbacks and building envelopes for individual properties respective to Exhibit "A" of Conditional Use Permit Application No. C-08-293 and the Conditions of Approval for Vesting Tentative Tract Map No. 5903/UGM dated June 14, 2010.

Conditions of Approval Conditional Use Permit Application No. C-08-293 August 18, 2010 Page 6 of 6

6) LOT COVERAGE

a) Lot coverage shall be permitted in accordance with the approved building setbacks and building envelopes for individual properties respective to Exhibit "A" of Conditional Use Permit Application No. C-08-293 and the Conditions of Approval for Vesting Tentative Tract Map No. 5903/UGM dated June 14, 2010. Additionally, the applicant shall submit a letter to the Development and Resource Management Department, indicating the amount of lot coverage proposed.

7) LANDSCAPING

The number of trees will be determined by the following formula:

Section 12-306-N-24-G-3 of the FMC requires one medium sized tree (30-60 feet at maturity) for each parking space, plus one medium sized tree for each residential unit. Two small size trees (15-30 feet at maturity) may be substituted for one medium size tree.

- a) Trees shall be maintained in good health. Trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Planning and Development Department. (Include this note on the site plan and landscape plan.)
- b) Landscaping must be in place before issuance of the certificate of occupancy for each individual dwelling.

8) FENCES, HEDGES, AND WALLS

Fences, hedges and walls shall be provided in accordance with the Conditions of Approval of Vesting Tentative Tract Map No. 5903/UGM dated June 14, 2010 and the following:

- a) All fences, hedges and walls shall conform to the provisions of Section 12-306-H of the FMC.
- b) Only those fences, hedges and walls as shown on the site plan shall be reviewed for approval.
- c) Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.

PART E - CITY AND OTHER SERVICES

9) Refer to the Conditions of Approval for Vesting Tentative Tract Map No. 5903/UGM dated August 18, 2010 for all other requirements.

DEPARTMENT OF PUBLIC WORKS

TO:

Israel Trejo, Planner III

Planning Division

FROM:

Hilary Kimber, Parks Supervisor II (559) 621-8794)

Public Works

DATE:

August 10, 2010

SUBJECT: Vesting Tentative Subdivision Map T-5903; 11261 NORTH CHESTNUT AVENUE (Located north of East Copper Avenue west of the North Chestnut Avenue Alignment) APN: 579-074-33s & 34s (formerly C-08-293 & A-08-04) CURRENTLY LOCATED IN THE COUNTY

The Department of Public Works has reviewed the Revised Vesting Tentative Tract Map proposed Planned Unit Development, on engineering plans prepared by <u>Gary G. Gianetta</u>, dated <u>June 14, 2010</u>. The Department of Public Works offers the following comments regarding the requirements for landscaping and irrigation:

GENERAL REQUIREMENTS

STREET TREE REQUIREMENTS

- 1. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 60' of street frontage by the Developer in a ten foot PPUE. Please refer to the City of Fresno Approved Street Tree List for acceptable tree varieties.
- 2. Street Tree Planting by Developer: For those lots having internal street tree frontage available for street tree planting, the developer shall plant one tree for each 60' of street frontage, or one tree per lot having street frontage, whichever is greater. Tree planting shall be within a 10' Planting and Utility Easement.
 - a. Street tree inspection fees shall be collected for each 60' of public street frontage or one tree per lot whichever is greater.
 - b. Street trees shall be planted in accordance with the City of Fresno, Department of Public Works "Standard Specifications, Section 26."
 - c. Landscape plans for all public use areas, shall be reviewed and approved by the Department of Public Works, Engineering Services. A street tree planting permit shall be required for all residential street tree planting.
 - d. Performance and payment securities, paid with final map, will be released when all landscaping installed on public and/or city controlled property is in conformance with the Specifications of the City of Fresno.
 - e. Upon acceptance of the required work, warranty security shall be furnished to or retained by the City for guaranty and warranty of the work for a period of ninety days following acceptance.

3.	Irrigation is required on all new construction for street trees and shall be applied in accordance with the City of Fresno, Public Works Department Standards & Specifications and FMC sections 12-306-24 and 12-306-23 and ab 1881 for water efficient irrigation systems				

3.



DATE: January 12, 2009 July 28, 2010 1st revision

TO: Israel Trejo, Planner

Development Department, Planning Division

THROUGH: Bryan D. Jones, T.E., Traffic Engineering Manager

Public Works Department, Engineering Division

FROM: Louise Gilio, Traffic Planning Supervisor

Public Works Department, Engineering Division

SUBJECT: Public Works Conditions of Approval

TT 5903 / C-08-293, (North of Copper between Maple and Chestnut)

Kizirian, Norman / Gary G. Giannetta

The Public Works Department, Traffic Planning Section, has completed its review and the following requirements are to be placed on this tentative map as a condition of approval by the Public Works Department.

Provide the following information on the tentative tract map and / or complete the following, <u>prior</u> to Recordation.

1. Annexation is required, prior to recordation.

- 2. Completion of the off-site improvements to the west of this map is required for access purposes. Identify the edge of the existing public street and show all required pavement to access this map from the West. **Complete the offsite improvements for T-5273.**
- 3. A cross access agreement is required on both the east and west sides of this map.
- 4. Identify proposed access to the City's public street system to the east and west.

 Provide a layout for Chestnut from the southern limits of this map to a minimum of 250' south of Copper Avenue. Verify center line alignment with Traffic Engineering.

General Conditions:

- 1. Overhead Utilities: Underground all existing offsite overhead utilities with the limits of this map in accordance with Fresno Municipal Code Section 12-1011 and Resolution No. 78-522/88-229.
- 2. If not existing, street work on major streets shall be designed to include Intelligent Transportation Systems (ITS) in accordance with the Public Works ITS Specifications.
- 3. Design local streets with a minimum of 250' radius.
- 4. <u>Garage setback</u>: Provide 20' from the garage to the back of walk. A minimum of 18' is allowed with a roll-up door.
- 5. <u>Plan Submittal</u>: Submit the following plans, as applicable, in a single package, to the Planning and Development Department for review and approval: Street Constru0ction, Signing, Striping, Traffic Signal and Streetlight and Trail Lighting, Signing and Striping.

Frontage Improvement Requirements:

Interior Streets:

- a. Phase I: Outlot A Private
 Construct sidewalks on both sides of the private streets per ADA standards and the 2025
 General Plan. Refer to page 69 E-1-j.
- b. Mustang Avenue: Public Phase II:
 Dedicate, design and construct all curb, gutter, sidewalk, (both sides), permanent paving, cul-de-sacs, easements and underground street lighting systems on all interior local streets to Public Works Standards. All driveways shall be constructed to Public Works Standards API-8 and P-4. Sidewalk patterns shall comply with Public Works API Standards for 50' streets.

<u>Specific Mitigation Requirements:</u> This tract will generate 9 4 a.m. / 12 6 p.m. peak hour trips; therefore, a Traffic Impact Study (TIS) is not required.

- 1. The first order of work shall include a minimum of two points of vehicular access to the major streets for any phase of this development. The second point of access will require dedications through a separate instrument. The 2nd point of access could be an emergency access and if this is the case then no permanent paving requirements are required at this time. However, if it is a public access then 2 center 13' lanes would be required south to Copper.
- 2. Chestnut: North of Copper- Local: Dedicate 60' (mid-block) --80' (at Copper) for street right of way purposes, complete with corner cuts and all transitions, as needed. Provide a radius a 50' radius at the north end. 10' sidewalk pattern-12' right turn -5' bike -12' thru south -12' right turn -12' thru north -7' bike -10' sidewalk pattern.
- 3. Full offsite improvements adjacent to the remainder shall be required for public health and safety and the orderly development of the surrounding area. Reference "The Subdivision Map Act", Chapter 1, Section 66424.6.

Traffic Signal Mitigation Impact (TSMI) Fee:

This project shall pay the current Traffic Signal Mitigation Impact Fee (TSMI Fee) at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual for single family units (fee rate as shown in the Master Fee Schedule).

This TSMI fee is credited against signal installation and Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) anticipated to build out the 2025 General Plan circulation element and included in the Nexus Study for the TSMI fee. Project specific impacts that are not consistent with the 2025 General Plan, Public Works P69 standards, and/or already incorporated into the TSMI fees infrastructure costs are not reimbursable unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next update and the applicant agrees to pay the new calculated TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence. If the applicant is conditioned with improvements that are credited/reimbursable with this fee they should work with the Department of Public Works and identify with a Professional Engineers estimate the costs associated with the improvements prior to paying the TSMI fee at time of building permit.

1. The intersection of Chestnut and Copper shall be signalized to the City of Fresno Standards, complete with left turn phasing, actuation and signal pre-emption. This work is eligible for

reimbursement and/or credit against Traffic Signal Mitigation Impact Fees. The applicant shall design the traffic signal and obtain City approval of the plans **prior** to occupancy of the first dwelling unit. If the intersection meets signal warrants at the time of occupancy of the first unit, then the full traffic signal shall be installed. If the intersection does not meet warrants, then the traffic signal installation shall be limited to the following equipment: poles, safety lights, oversize street name sign, conduits, detectors, service pedestal connected to a PG&E point of service, controller cabinet, ITS vault, ITS communication cabinet and all pull boxes, with the following equipment to be delivered to the City of Fresno's Traffic Signal shop for future installation when warrants are met: 2070L controller, mast arms, heads, Opticom discriminator and receivers.

Fresno Major Street Impact (FMSI) Fee:

This Map is in the **New Growth Area**; therefore pay all applicable growth area fees and City-wide regional street impact fees

Fresno Major Street Impact (FMSI) Requirements:

Chestnut Avenue: Collector (Growth Area Street)

- 1. Dedicate and construct (2) 17' center section travel lanes and a 12' center two-way left turn lane south of Copper. Stripe 250' left turn pockets at all major intersections. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a 45 MPH design speed. See page 2
- 2. Dedicate sufficient right of way to **provide an all-way stop at** complete-the intersection of Chestnut at Copper to Public Works Standards.

Copper River Ranch Associated Major Roadway Infrastructure Fee:

Applicant shall pay fair share contribution.

Copper River Ranch Interior Collector Roadway Facility Fee:

Applicant shall pay fair share contribution.

Regional Transportation Mitigation Fee (RTMF):

Pay all applicable **RTMF** fees to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148 ext. 200; www.fresnocog.org. Provide proof of payment or exemption **prior** to issuance of building permits.

State of California Department of Transportation (Caltrans) Fees:

Applicant shall pay fair share contribution as determined by the State of California Department of Transportation (Caltrans) to be collected by the City of Fresno Public Works Department Traffic Engineering **prior** to a Final Map. The Caltrans letter is included and the following fees are required to be paid to mitigate fair share impacts to the identified state transportation facilities. Please contact Caltrans District 6 staff regarding the fair share calculations.

Interchange:

SR 41/ Friant Avenue = $\frac{1,938.64}{1057.44}$ (\$176.24/unit)

Page 3 of 3



DEPARTMENT OF PUBLIC UTILITIES

Date:

July 28, 2010



Providing Life's Essential Services

To:

ISRAEL TREJO, Planner III

Planning and Development

From:

DOUG HECKER, Supervising Engineering Technician

Department of Public Utilities, Planning and Engineering Division

Subject: SANITARY SEWER REQUIREMENTS FOR VESTING TENTATIVE T-5903 REVISED

General

TT-5903 & C-08-293 **Revised** R-R/UGM, a 6-lot single family residential private-public street planned development project with 1 remainder lot on approximately 12.11 acres of R-R, Rural Residential, County of Fresno, zone property located north of East Copper Avenue, west of the North Chestnut Avenue alignment, 11261 North Chestnut Avenue, APN 579-074-33s, and 34s. C-08-293 is requesting a planned development with private-public streets.

Sanitary Sewer Service

The nearest sanitary sewer main to serve the proposed project is a 12-inch main located in North Knotting Hill Drive. The following sewer improvements shall be required prior to providing City sewer service to the project:

- 1. Construct a 12-inch sanitary sewer main from N. Knotting Hill Drive through the future phase of TT-5205 to the westerly boundary of TT-5903.
- 2. Construct a 12-inch sanitary sewer main from the westerly boundary of proposed TT-5903 through outlot "A".
- 3. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.
- 4. Dedicate a 40 foot sewer and water easement for the operation and maintenance of sewer and water mains necessary to serve the proposed parcels.
- 5. Separate sewer house branches are required for each lot.
- 6. Abandon any existing on-site private septic systems.
- 7. Street easements and/or deeds shall be recorded prior to approval of improvement plans.
- 8. All underground street utilities shall be installed prior to permanent street paving.
- 9. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed additions to the City Sewer System.
- 10. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies.

- 11. A Preliminary sewer design layout shall be prepared by the Developer's Engineer and submitted to the Department of Public Utilities for review and conceptual approvals prior to submittal or acceptance of the developers final map and engineered plan & profile improvement drawing for City review.
- 12. All proposed sewer main easements shall be clear and unobstructed by buildings or other structures. No fencing or wall shall either enclose or be located above the sewer main. The planting plan, for any proposed landscape within the easement, shall be approved by the Department of Public Utilities. No trees shall be located within 8 feet of the Sewer main.

Sanitary Sewer Fees

The following Sewer Connection Charges are due and shall be paid for the Project:

- 1. Lateral Sewer Charge.
- 2. Sewer Oversize Charge.
- 3. Wastewater Facility Charge (Residential Only).
- 4. Trunk Sewer Charge: C.R.R. Sewer Backbone system facility fee.
- 5. Trunk Sewer Charge: Herndon
- 6. Copper Avenue sewer lift-station service fee.



DEPARTMENT OF PUBLIC UTILITIES - WATER DIVISION



Providing Life's Essential Services

DATE:

February 11, 2010

TO:

DOUG HECKER, Supervising Engineering Technician

Department of Public Utilities, Administration

FROM:

MICHAEL CARBAJAL, Chief Engineering Technician

Department of Public Utilities. Water Division

SUBJECT: WATER REQUIREMENTS FOR TENTATIVE TRACT NO. 5903

The following conditions are required to provide water service to the tract.

- 1. Construct a 14-inch transmission grid water main (including installation of City fire hydrants) in North Chestnut Avenue Alignment from East Copper Avenue North across the frontage of the tract.
- Construct an 8-inch water main (including installation of City fire hydrants) through the
 proposed remainder lot to connect the proposed 14-inch water main in the North
 Chestnut Ave Alignment to the existing water system within Final Tract Map 5205.
 Provide a 40-foot wide sewer and water main easement for the operation and
 maintenance of the proposed 8-inch water main within the remainder lot.
- 3. All proposed water main easements shall be clear and unobstructed by buildings or other structures. No fencing or wall shall either enclose or be located above the water main. The planting plan for any proposed landscape within the easement shall be approved by the Department of Public Utilities. No trees shall be located within 8 feet of the water main. All water mains within an easement shall be clearly marked with signage above indicating the exact location and type of facility below.
- 4. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through a combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Water Systems Manager.
- 5. Construct a water supply well(s) on a site(s) dedicated to the City of Fresno. The well(s) shall be capable of producing a total of 500 gallons per minute. Well sites shall be of a size and at a location acceptable to the Assistant Director of Public Utilities.
- 6. Water well construction shall include wellhead treatment facilities, if required
- 7. No occupancies will be permitted prior to the satisfaction of the water supply requirement.

- 8. The developer shall provide water usage offsets to the City through a water service entitlement transfer. The developer shall take all required and necessary actions to transfer and assign all water rights and entitlements associated with the tract property to the City. The developer is solely responsible for all costs, fees and expenses associated with the transfer and assignment of water rights and entitlements to the City.
- 9. The existing house within the remainder lot shall connect to the City of Fresno public water and sewer system. Any onsite well(s) and septic sewer system(s) shall be abandoned. The proposed remainder lot shall also comply with the water service entitlement exchange requirement above.
- 10. Separate water services with meters shall be provided to each lot created.
- 11. Seal and abandon existing on-site well(s) in compliance with the State of California Well Standards, Bulletin 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.
- 12. All public water facilities shall be constructed in accordance with Public Works Department standards, specifications, and policies.



January 12, 2010 Revised 7/6/2010

TO:

Israel Trejo, Planner III

Development Department, Planning Division

THROUGH: Robert Weakley, Chief of Operations

Department of Public Utilities, Solid Waste Division

FROM: Chris Weibert, Management Analyst II
Department of Public Utilities, Administration

SUBJECT:

TT 5903 and C-08-293, Solid Waste Conditions of Approval

Location: 11261 North Chestnut Avenue (APN 579-074-33, 34)

The Department of Public Utilities, Solid Waste Division has completed a review of the Vesting Tentative Tract Map 5903 and C-08-293 that was submitted by Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of Norman and Pamela S. Kizirian. The following requirements and conditions are to be placed on this vesting tentative tract map and conditional use permit as a condition of approval by the Department of Public Utilities.

General Requirements:

- Tract 5903 will be serviced as Single Family Residential properties with Basic Container Service. Property owners will receive 3 containers to be used as follows: 1 Gray container for solid waste, 1 Green container for green waste and 1 Blue container for recyclable material.
- The owners, lessees or other tenants of the residential dwellings on service day, before 5:30 a.m., shall place their solid waste containers at the edge of the curb approximately 4 feet apart and shall not block any vehicle accesses, nor be placed within any traffic circle, in accordance with the City of Fresno's Solid Waste Management Division Standards.
- Per Municipal Code, Section 6-205 Solid Waste, Recycling and Green Waste Disposal Regulations, Section (c)(11). No solid waste container nor residential rubbish shall be allowed to remain at the curbline after 8:00 p.m. on the collection day.
- Per Municipal Code, Section 6-205 Solid Waste, Recycling and Green Waste Disposal Regulations, Section (c)(10). No material container shall be stored in the front yard or side yard on a street as said yards are described in Chapter 12, Articles 2 and 3 of this Code, unless the container is screened from view from the street in accordance with that article of the Code.

Covenant Requirements:

There shall be no parking allowed in the cul-de-sacs on the solid waste service day. All lots that are part of a cul-de-sac shall be clear of all vehicles by 5:30 a.m.

• Lots 3, 5, 6, $\sqrt{}$ and the remainder lot $\frac{24\omega}{7/\omega/2\omega}$



July 13, 2010

TO:

ISRAELTREJO, Planner

Planning and Development Department, Planning Division

FROM:

MIKE SCHMIDT, Supervising Inspector

Fresno Fire Department, Prevention Division

SUBJECT: 11261 N Chestnut, C-08-293

Below are the development requirements for the subject project.

- 1. () Gates, posts, or other barriers suitable to the Fire Department are required to be installed at the entrances to an emergency access only roadway (at Chestnut and at west entry).
- 2. () The entrance to all emergency accesses shall be posted with permanent signs: "FIRE ACCESS (6" letters) VEHICLES REMOVED AT OWNER'S EXPENSE (2" letters) FRESNO POLICE DEPARTMENT 621-2300 (1" letters).
- 3. () Emergency accesses are required to be dedicated fire protection easements.
- 4. () All gates on the "emergency access" roadway shall be fitted with a Police/Fire bypass lock.
- 5. () All required fire access lanes shall be provided and maintained with an approved "all weather" surface capable of supporting 80,000 lb. vehicles (minimum 4" of base rock over compacted or undisturbed native soil or per approved engineered plans) year-around and with 24 feet minimum width or other approved method that would prevent shoulder degradation.
- 6. () Turns in private drives for fire apparatus access shall have minimum <u>44 foot</u> centerline turn radius. (See plan)

File No. 210.45

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT NOTICE OF REQUIREMENTS

Page 1 of 4

PUBLIC AGENCY

ISRAEL TREJO, PLANNER III PLANNING & DEVELOPMENT DEPARTMENT CITY OF FRESNO 2600 FRESNO STREET, THIRD FLOOD FRESNO, CA 93721

DEVELOPER

NORMAN KIZIRIAN 11261 N. CHESTNUT AVE. CLOVIS, CA 93619

PROJECT NO: ADDRESS:	5903R CHESTNUT N/O COPPER AVE.	SENT: 1/12/10
APN:	579-074-33S, 34S Drainage Area(s)	Preliminary Fee(s)
	DE	\$21,475.00
	DN	\$5,391.00
	DN	\$19,316.00
	DE	\$8,131.00
		TOTAL FEE: \$54,313.00
must be properly Policy Act. The Control Master drainage related	y discharged and mitigated pursuant to the Californ District in cooperation with the City and County has Plan. Compliance with and implementation of this CEQA/NEPA impact of the project mitigation required.	aces potentially significant environmental impacts and which his Environmental Quality Act and the National Environmental as developed and adopted the Storm Drainage and Flood Master Plan by this development project will satisfy the uirements. Drainage Fee Ordinance prior to approval of the final map at
the rates in effect	ct at the time of such approval. The fee indicated all prior to approval of the final map for the fee.	bove is based on the tentative map. Contact the FMFCD
Considerations	which may affect the fee obligation(s) or the timing	g or form of fee payment:
	the transfer of the transfer of the constitution of the constituti	

- Fees related to undeveloped or phased portions of the project may be deferrable.
- Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that b.) configuration.
- Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees. c.)
- The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee d.) obligation.
- When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement e.) will be made for the excess costs from future fees collected by the District from other development.
- Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the General Manager of the District within 60 days from payment of the fee. A non refundable \$300 Administration fee or 5% of the refund whichever is less will be retained without fee credit.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT NOTICE OF REQUIREMENTS

Page 2 of 4

	a.	Drainage from the site shall be directed to
X	_ _ b.	Grading and drainage patterns shall be as identified on Exhibit No. 1
	с. 	The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
		osed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities ithin the development or necessitated by any off-site improvements required by the approving agency:
	_	Developer shall construct facilities as shown on Exhibit No. 1 as "Master Plan Facilities to be constructed by Developer".
X		None required.
		wing final improvement plans shall be submitted to the District for review prior to final tent approval:
X		Grading Plan
X		Street Plan
X_		Storm Drain Plan
X	_	Water & Sewer Plan
X		Final Map
		Other
	_	None Required
Avail	labil	ity of drainage facilities:
	a. _	Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).
	 b.	The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
	 c.	Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available. TEMPORARY SERVICE IS AVAILABLE THROUGH
X	_ d.	See Exhibit No. 2.
The p	orop	osed development:
		Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)
<u> </u>	-	Does not appear to be located within a flood prone area.
		The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT NOTICE OF REQUIREMENTS

Page 3 of 4

- 7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
 - a. State General Permit for Storm Water Discharges Associated with Construction Activities, approved August 1999, (modified December 2002) A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre) if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
 - b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 1997 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
 - c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
- 8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
- 9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.

10. X See Exhibit No. 2 for additional comments, recommendations and requirements.

Gerald E. Lakeman

District Engineer

Neda Shakeri

Project Engineer

hala

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT NOTICE OF REQUIREMENTS

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CC.			

R TRACT No. 5903R

NOTE: THIS MAP IS SCHEMATIC DISTANCES ARE APPROXIMATE.

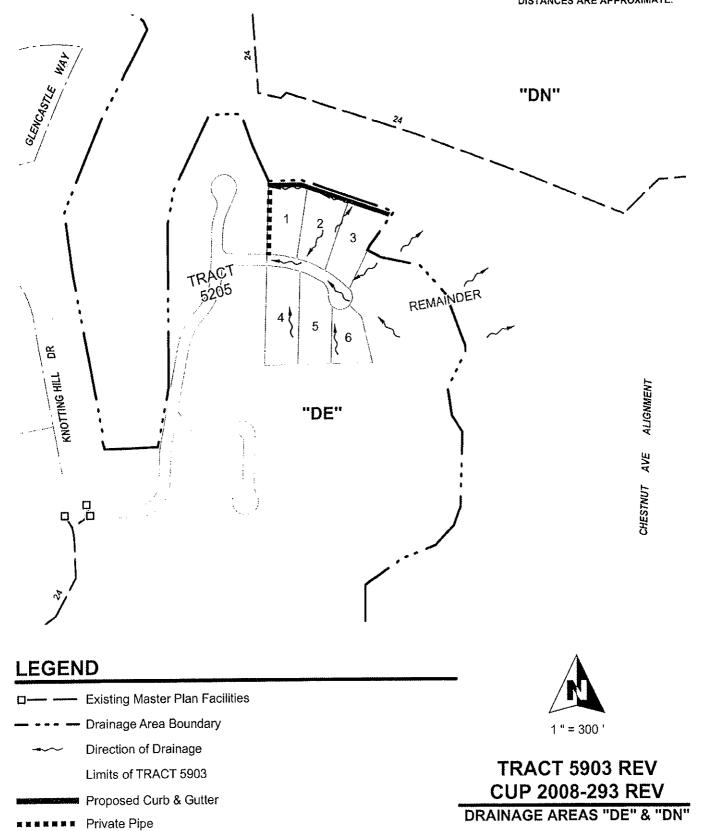




EXHIBIT NO. 1

OTHER REQUIREMENTS EXHIBIT NO. 2

Permanent drainage service is available to the area of the tract located within Drainage Area "DE". The developer shall verify to the satisfaction of the City of Fresno that run-off can be conveyed to the existing inlets in Knotting Hill Drive.

Permanent drainage service is not available for the portion of the tract located within Drainage Area "DN". The District recommends temporary facilities until permanent facilities are in place.

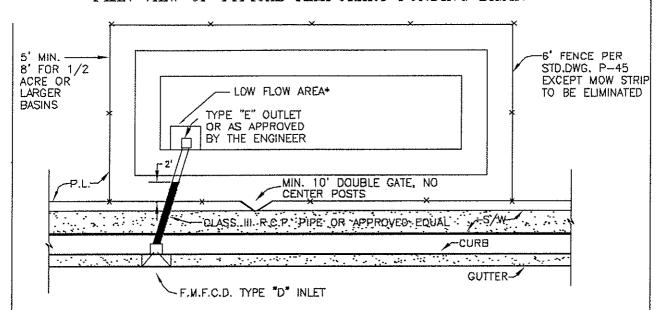
The Developer's engineer, Gary Giannetta, has indicated a portion of runoff from Lots 1 thru 3 will drain and be captured by curb and gutter and directed to the street thru a private pipeline. Drainage patterns from the remainder parcel (existing home) shall remain as existing.

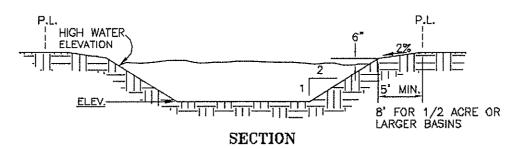
The Developer shall provide a letter of authorization from the owner of Copper River golf course approving any additional surface drainage above what currently is directed to the golf course.

The Developer shall provide cross drainage covenants for the back of each lot to allow for the drainage patterns as shown on Exhibit No. 1 and described above. Drainage shall be allowed to flow across each lot in order to reach the Master Plan inlet. The drainage pattern shall not be blocked by property improvements and shall have an open flow pattern along the proposed curb and gutter.

Development No. Tract 5903 Revised

PLAN VIEW OF TYPICAL TEMPORARY PONDING BASIN





NOTES:

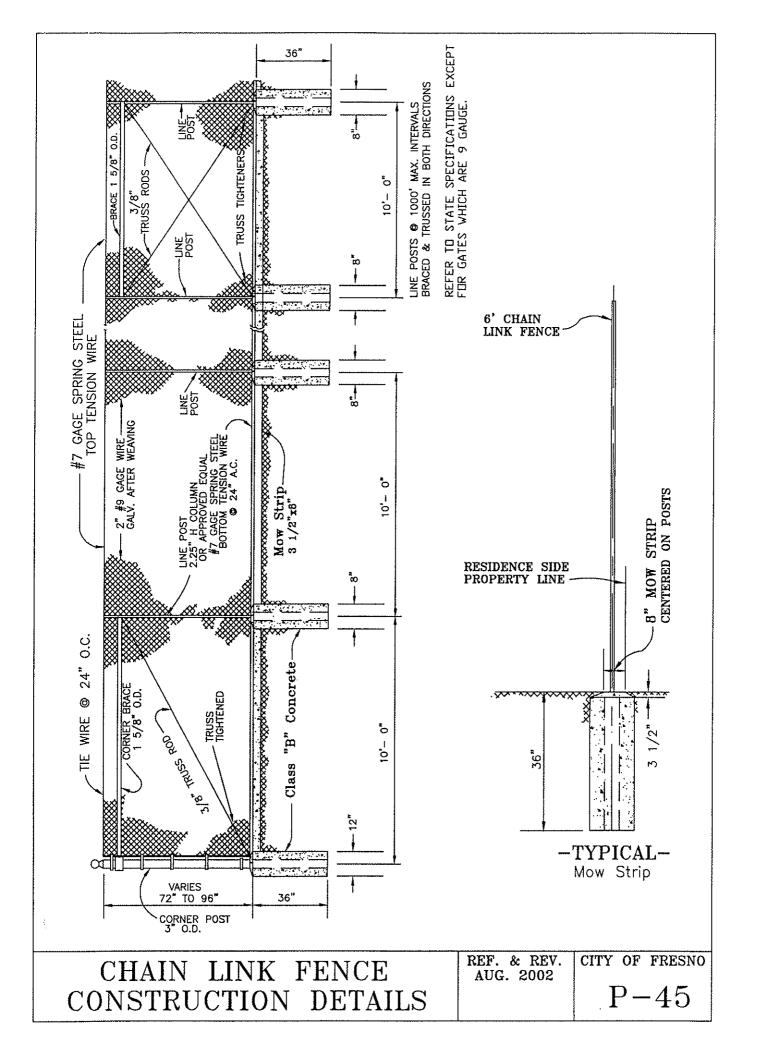
DESIGN MINIMUMS

- 1. OVERFLOW MUST BE TO THE STREET.
- 2. DESIGN WATER SURFACE ELEVATION SHALL BE TWO FEET BELOW THE LOWEST INLET FLOW LINE OR POND PERIPHERAL ELEVATION, WHICHEVER IS LOWER.
- 3. REQUIRED CAPACITY: V=CIA WHERE V=REQUIRED BASIN CAPACITY IN CUBIC FEET, C=RUNOFF CDEFFICIENT, I=RAINFALL FROM A DESIGN STORM (0.35 FEET), AND A=TRIBUTARY AREA IN SQUARE FEET.
- 4. PROVIDE COMPOSITE "C" CALCULATIONS.
- 5. THE ENGINEER MAY REQUIRE AN 8' WIDE VEHICLE RAMP WITH A MAX, SLOPE OF 15% IN 1/2 ACRE OR LARGER BASINS.
- 6. TEMPORARY PONDING BASINS SHALL BE FENCED WITHIN 7 DAYS TIME AFTER THEY BECOME OPERATIONAL OR WHEN REQUIRED BY THE ENGINEER.
- 7. THE CITY ENGINEER MAY CONSIDER OTHER BASIN DESIGN ALTERNATIVES, AS A SUBSTITUTE FOR PROVIDING THE 2 FOOT FREEBOARD, WHEN THE BASIN SIZE IMPACTS PROJECT FEASIBILITY.
- 8. LOCKS FOR THE GATE TO BE #5 MASTER LOCKS, NO. 1095, 3203 OR 0855.
- * SIZE AND DEPTH OF LOW FLOW AREA TO BE DETERMINED BY THE ENGINEER.

TEMPORARY	PONDING	BASIN
TIME OFFICE	* ^******	$\nu \sim \nu \sim \tau$

REF. & REV. DEC., 2004

CITY OF FRESNO

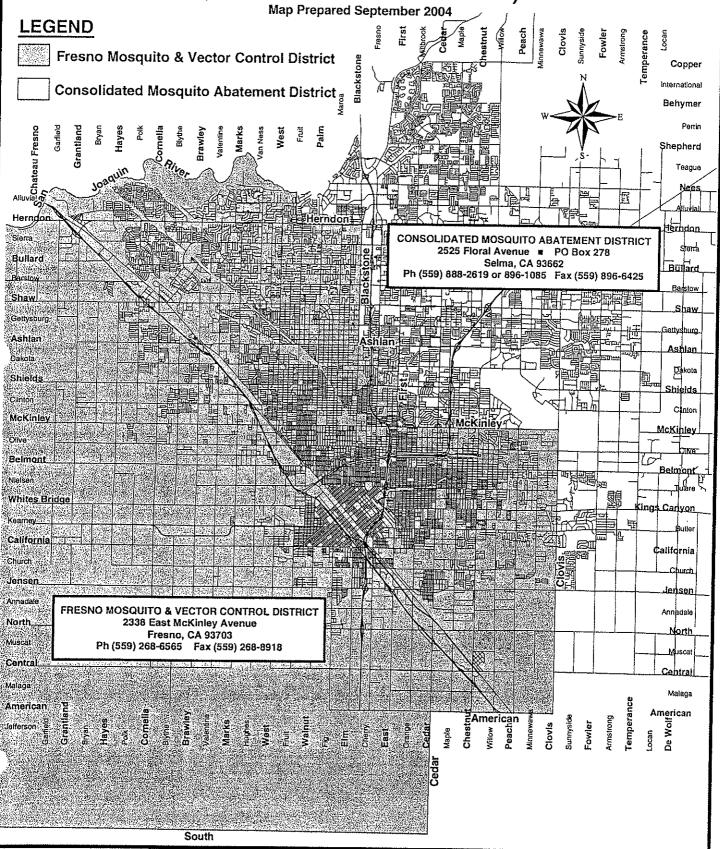




Mosquito Control District Boundary Map



(For the Fresno - Clovis Area)



GUIDELINES FOR PONDING BASIN / POND CONSTRUCTION AND MANAGEMENT TO CONTROL MOSQUITO BREEDING

Immature mosquitoes develop in shallow water habitats. Fresno has enough year-round urban runoff from sprinklers, car washing, and pool drainage to keep water in drainage basins even in the summer--when mosquitoes breed the fastest. The design and management of ponding basins and ponds is of critical importance for mosquito control. Following are some new guidelines for these facilities:

- *1. Ponding basins and ponds with fluctuating water levels should have a "low flow" area, a deeper area or sump where drainage will accumulate, instead of a uniform flat bottom. This allows for water to accumulate to a greater depth, and helps "mosquito fish" survive. The low flow area should be located at the pond inlet and should be at least four feet deeper than the rest of the basin floor. The rest of the basin should be graded so that drainage is directed into this low flow area.
- *2. Side slopes of ponds and ponding basins should be as steep as is compatible with safety and grading considerations. They should have a slope ratio of 1:2 (vertical:horizontal).
- 3. Decorative ponds and artificial wetlands should be constructed so that water depths are maintained in excess of four feet, to preclude invasive emergent vegetation such as cattails.
- *4. Ponds and ponding basins should be constructed to provide for free, unobstructed access around their entire perimeter by vehicle and/or by foot, to allow for maintenance and mosquito abatement activities.
- *5. All ponding basins should be enclosed in chain-link fencing at least six feet tall (to City of Fresno Public Works Standards), with double gates to provide an unobstructed total opening at least ten feet wide (no center post between the gates). Gates should be secured with a standard padlock to allow for access by maintenance workers and mosquito and vector control personnel: a No. 5 MasterLock™ with key numbers 1C95, 3203 or 0855.
- 6. Ponds and ponding basins should be constructed to allow easy de-watering when needed.
- 7. Ponding basin and pond edges should be maintained free of excess vegetation and trash that would harbor insects and support mosquito breeding when it falls or blows into the water.
- 8. Ponding basins and ponds should be managed to control algae and emergent vegetation (plants that emerge from shallow water), to remove harborage for mosquito breeding and to allow "mosquito fish" and other mosquito predators better access to their prey.
- 9. Ponding basins and ponds should maintain water quality that supports the survival of "mosquito fish" (Gambusia affinis, available from local mosquito and vector control agencies). Use caution when selecting herbicides and pesticides for use in or near ponding basins and ponds, because many pesticides are toxic to fish.

^{*} The asterisked guidelines modify the current City of Fresno Public Works Standard No. P-62 for Temporary Ponding Basins.





CENTERS FOR DISEASE CONTROL AND PREVENTION

National Center for Environmental Health Division of Emergency and Environmental Health Services

"Stormwater Management and Vector Breeding Habitats"

The Public Health Problem

- Stormwater management regulations and practices developed by environmental management agencies address the environmental problem of sediments and other pollutants entering surface waters but do not address public health issues, such as preventing habitat production for disease-carrying mosquitoes and other vectors.
- Certain stormwater management structures designed to reduce sediment and other pollutant loads in runoff (e.g., dry detention basins, retention ponds, media filtration devices, below-ground devices) frequently hold standing water for more than 3 days, creating potential mosquito breeding habitats. This in turn leads to the potential for mosquito-borne diseases such as West Nile virus and St. Louis encephalitis.
- Even those stormwater facilities that are properly designed and constructed to minimize mosquito breeding habitat may collect standing water if they are not maintained properly, thus creating the potential for mosquito breeding.

Methods to Address this Public Health Issue

A more integrated, systems-based approach is needed when developing and implementing solutions to environmental problems such as stormwater-runoff management. Local vector-control agencies (where they exist) or environmental health programs should be consulted during preconstruction design review to ensure that vector breeding habitat is minimized. These agencies and programs should also be consulted when developing maintenance schedules for stormwater management structures.

Taking the following actions can help to ensure that mosquito-management programs incorporate a systems-based approach:

- Properly design and construct stormwater control structures (especially regarding slopes, pipe inverts, and volumes) to minimize the inadvertent creation of standing water. Water should be held less than 72 hours whenever possible (shorter than minimum mosquito-breeding time).
- Minimize mosquito breeding for longer term or permanent stormwater storage (> 4 days) by introducing mosquito fish, by larvaciding, and by developing vegetation management plans. Include design depths greater than 4 feet to limit emergent vegetation that can enhance mosquito breeding habitat (e.g., cattails).
- Make resources available and allocate specific responsibility for ongoing operation and maintenance of stormwater facilities, including monitoring and treatment if necessary. Clean accumulated sediments and clear brush and other debris to minimize standing water build-up

The Centers for Disease Control and Prevention (CDC) protects people's health and safety by preventing and controlling diseases and Injuries; enhances health decisions by providing credible information on critical health issues; and promotes healthy living through strong partnerships with local, national, and international organizations.



County of Fresno

Department of Public Health Edward L. Moreno, M.D., M.P.H., Director-Health Officer

July 8, 2010

999999999 LU0015461 PE 2602

Israel Trejo City of Fresno Planning & Development Department 2600 Fresno Street Fresno, CA 93721

Dear Mr. Trejo:

PROJECT NUMBER: C-08-293 & T-5903 Revised

PROJECT DESCRIPTION AND LOCATION: Conditional Use Permit Application No. C-08-293 and Vesting Tentative Tract Map No. 5903, a 6-lot single-family residential private street planned development project with 1 outlot and 1 remainder lot on approximately 12.11 acres of property located north of East Copper Avenue, west of the North Chestnut Avenue alignment. Conditional Use Permit Application No. C-08-293 is requesting a planned development with a private street and remainder lot.

APN: 579-074-33, -34

ZONING: R-R-County (Prezoned R-1)
ADDRESS: 11261 N. Chestnut Avenue

Recommended Conditions of Approval:

- Construction permits for the 6-lot residential subdivision should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Construction permits for the 6-lot residential subdivision should be subject to assurance that
 the City of Fresno community water system has the capacity and quality to serve this
 project. Concurrence should be obtained from the State Department of Public Health,
 Drinking Water Division. For more information call (559) 447-3300.
- It is recommended that existing water wells and septic systems on the subject parcel be
 properly destroyed and the existing structure(s) connect to City of Fresno water and sewer
 services.

The Fresno County Department of Public Health remains concerned that abandoned water wells are not being properly destroyed, particularly with respect to new development projects. As city boundaries expand, community services are provided to areas originally served only by individual domestic and agricultural wells. Improper abandonment of such wells presents a significant risk of contaminating the city's community water supply. For this reason, when development occurs, it is extremely important to ensure the safe and proper destruction of <u>all</u> abandoned water wells.

Israel Trejo C-08-293 & T-5903 Revised July 8, 2010 Page 2 of 2

Prior to destruction of any existing agricultural well(s), a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure.

 Appropriate measures should be incorporated into the project to minimize potentially significant short-term localized noise impacts to noise sensitive receivers caused by the operation of construction equipment. Construction specifications for the project should require that all construction equipment be maintained according to the manufacturers' specifications, and that noise generating construction equipment be equipped with mufflers. In addition, consideration should be given to limiting noise-generating construction activities to daytime hours as specified in your municipal code.

REVIEWED BY:

Janet Gardner

Digitally signed by Janet Gardner
DN: cnrJanet Gardner, orEnvironmental Health Division, our Fresno County
Public Health Department, email=igardner@co.fresno.ca.us, c=US
Date: 2010.07.08 1605.51 - 0700

R.E.H.S., M.P.H. Environmental Health Specialist III

(559) 445-3271

jg

cc: Wayne Fox, Supervising Environmental Health Specialist

C-08-293 T-5903 Revised



likkiganon Dishrich

OFFICES OF

PHONE (559) 233-7161 FAX (559) 233-8227 2907 SOUTH MAPLE AVENUE FRIESNO, CALIFORNIA 93725-2218

December 21, 2009

Mr. Israel Trejo City of Fresno Development Services/Planning 2600 Fresno Street, Third Floor Fresno, CA 93721-3604

RE: Tract Map 5903, N/W and Copper and Chestnut Avenues

Dear Mr. Trejo:

The Fresno Irrigation District (FID) has reviewed the Tentative Subdivision Map - Tract Map No. 5903 by Norman Kizirian to develop 12.13 acres of property into 11 residential lots located on the westerly side on Chestnut Avenue north of East Copper Avenue, APN 579-073-40,42, and has the following comments:

- 1. FID does not object to the Tract Map application.
- 2. FID does not own, operate or maintain any facilities located on the applicant's property as indicated on the attached FID exhibit map.
- 3. Although the proposed development is located outside of FID's boundary, it may negatively impact local groundwater supplies. The area is currently undeveloped land and a significant portion of its water supply is imported surface water, supplemented by groundwater pumping. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a conversion from imported surface water to groundwater, this deficit will increase. FID suggests the City require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft.

Mr. Israel Trejo Re: TM 5903 December 21, 2009 Page 2 of 2

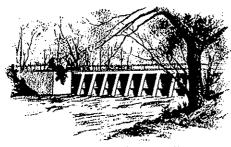
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact James Shields at 233-7161 extension 319 or by email at jshields@fresnoirrigation.com.

Sincerely,
William R. Mutil

William R. Stretch, P.E.

Chief Engineer

Attachment



Your Most Valuable Resource - Water

OFFICES OF

PHONE (559) 233-7161 FAX (559) 233-8227 2907 SOUTH MAPLE AVENUE FRESNO, CALIFORNIA 93725-2218

July 12, 2010

Mr. Israel Trejo City of Fresno Development Services/Planning 2600 Fresno Street, Third Floor Fresno, CA 93721-3604

RE: Tract Map 5903, Conditional Use Permit No. C-08-293, N/W and Copper and Chestnut Avenues

Dear Mr. Trejo:

The Fresno Irrigation District (FID) has reviewed the Vesting Tentative Tract Map No. 5903 and Conditional Use Permit No. C-08-293 applications, being filed concurrently, to develop 12.11 acres of property into a 6-lot single-family residential private street planned development project with 1 outlot and 1 remainder lot, located northwest of Copper and Chestnut Avenues, APN 579-074-33 and 34, and has the following comments:

1. FID previously reviewed and commented on the subject parcels as Tract Map No. 5903 and Conditional Use Permit No. C-08-293 on December 21, 2009. At that time the applicant proposed the development of an 11-lot single-family residential subdivision. The current change to a proposed 6-lot single-family residential subdivision will not affect FID's previous comments. Therefore, we have attached a copy of the December 21, 2009 comments for your reference.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact James Shields at 233-7161 extension 319 or by email at jshields@fresnoirrigation.com.

Sincerely,

William R. Stretch, P.E.

Chief Engineer

Attachment

G:\Agencles\City\Tract Map\5903 2.doc

BOARD OF DIRECTORS President JEFFREY G. BOSWELL, Vice-President JEFF NEELY STEVE BALLS, RYAN JACOBSEN, GEORGE PORTER, General Manager GARY R. SERRATO



DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE P. O. BOX 12616 FRESNO, CA 93778-2616 PHONE (559) 445-5868 FAX (559) 488-4088 TTY (559) 488-4066



Flex your power! Be energy efficient!

July 7, 2010

2131-IGR/CEQA 6-FRE-41-31.6+/-C-08-293 & VTTM 5903 REVISED KIZIRIAN PUD

Mr. Israel Trejo City of Fresno Development Department 2600 Fresno Street, Third Floor Fresno, CA 93721-3604

Dear Mr. Trejo:

We have reviewed the revised application for the 6-lot single-family residential project within the Copper River Ranch development. The initial application was for an 11-lot single-family residential project. The project is located north of East Copper Avenue, west of the North Chestnut Avenue alignment. Caltrans has the following comments:

The applicant for the Copper River Ranch Development agreed to pay a fair share of \$700,000 to mitigate for the project's impacts to the State Route 41/Friant Road interchange. The mitigation for the residential portion of the development has been determined to be \$176.24/unit. If this portion of the Copper River Ranch project is approved with the 6 units now specified in the current application, the mitigation will be \$1,057.44.

If you have any questions, please call me at (559) 445-5868.

Sincerely,

MICHAEL NAVARRO

Office of Transportation Planning

District 6

C: Mr. Scott Mozier, City of Fresno Public Works

Mr. Bryan Jones, City of Fresno Public Works

Mr. Tony Boren, Council of Fresno County Governments

Street Name Review

TM-5903

12/16/09

Street Name	Status	Required Change
Outlot A	Add	(name per stub street of revised TM-5205)
ZiEurustranung oma ibra / 4		Cast Mustary Wenue
Chestnut Avenue Alianment	Change	North Chestnut Avenue

CITY OF FRESNO – ENVIRONMENTAL ASSESSMENT FINDING OF CONFORMITY / MEIR NO. 10130/MND FOR PLAN AMENDMENT A-09-02 (AIR QUALITY MND)

Pursuant to Section 21157.1 of the California Public Resource Code (California Environmental Quality Act) the project described below is determined to be within the scope of the Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan

DATE RECEIVED FOR FILING:

Applicant:				
Norman Kizirian				
11261 North Chestnut Avenue				
Clovis, CA 93619				

Initial Study Prepared By:

Planner: Israel Trejo Date: July 16, 2010

Environmental Assessment Number: C-08-293/T-5903

Conditional Use Permit Application No. C-08-293 and Vesting Tentative Tract Map No. 5903/UGM

Project Location (including APN):

West side of the North Chestnut Avenue alignment, north of East Copper Avenue

(APN: 579-074-33 and 34)

Project Description:

Gary Giannetta, on behalf of Norman Kizirian has filed Conditional Use Permit Application No. C-08-293 and Vesting Tentative Tract Map No. 5903/UGM pertaining to approximately 12.13 acres of property located on the west side of the North Chestnut Avenue alignment, north of East Copper Avenue.

The property is located within the jurisdiction of the Woodward Park Community Plan and the 2025 Fresno General Plan. The Woodward Park Community Plan and the 2025 Fresno General Plan designate the subject property for low density residential planned land uses. The application is a request to subdivide the property into a six lot, and one remainder lot, single family residential private street subdivision. Pursuant to section 12-403.B.2 of the Fresno Municipal Code, the R-1/UGM (pre-zoned) (Single Family Residential District/Urban Growth Management) zone district is consistent with the planned land use designation of low density.

The subject property is currently developed with a single family residence.

Conformance to Master Environmental Impact Report (MEIR) NO. 10130:

The adopted 2025 Fresno General Plan and the Woodward Park Community Plan designate the subject site for low density residential planned land uses. The existing R-1/UGM (pre-zoned) (Single Family Residential/Urban Growth Management) zone district for the subject property conforms to the low density residential planned land use designation.

The Planning and Development Department staff has prepared an Initial Study (See Attached "Modified Appendix G To Analyze Subsequent Project Identified In MEIR No. 10130/MND For Plan Amendment A-09-02 (Air Quality MND)/Initial Study") to evaluate the proposed Conditional Use Permit and Vesting Tentative Tract Map application(s) in accordance with the land use and environmental policies and provisions of lead agency City of Fresno's 2025 Fresno General Plan (SCH # 2001071097), the related Master Environmental Impact Report (MEIR) No. 10130 and the Mitigated Negative Declaration prepared for Plan Amendment A-09-02 to amend the Air Quality Element of the 2025 Fresno General Plan (Air Quality MND). The subject property is currently developed with a single family residence but may be further developed at an intensity and scale that is permitted by the planned land use designation and proposed zone district classification for the site. Thus, the proposed Conditional Use Permit and Vesting Tentative Tract Map application(s) will not facilitate an additional intensification of uses beyond that which already exists or would be allowed by the abovenoted planned land use designation. Moreover, it is not expected that the future development will adversely impact existing city service systems or the traffic circulation system that serves the subject property. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. It has been further determined that all applicable mitigation measures of MEIR No. 10130 and the Air Quality MND have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Guidelines Section 15177(b)(3).

Finding of Conformity Under MEIR No. 10130 and the Air Quality MND prepared for Conditional Use Permit Application No. C-08-293 and Vesting Tentative Tract Map No. 5903/UGM Environmental Assessment No. C-08-293/T-5903 July 16, 2010 Page 2

Pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act), it may be determined that a subsequent project, as identified in the MEIR pursuant to Section 21157(b)(2) of the Public Resources Code and CEQA Guidelines Section 15177, falls within the scope of a MEIR, provided that the project does not cause additional significant impacts on the environment that were not previously examined by the MEIR and the Air Quality MND.

Relative to this specific project proposal, the environmental impacts noted in the MEIR and the Air Quality MND, pursuant to the 2025 Fresno General Plan land use designation, include impacts associated with the low density residential planned land use designation specified for the subject property. Based on this Initial Study, the following findings are made: (1) The proposed project was identified as a Subsequent Project in MEIR No. 10130 because its, location, land use designation and permissible densities and intensities are set forth in Figure I-1 of MEIR No. 10130; (2) The proposed project is fully within the scope of the MEIR and Air Quality MND because it will not generate additional significant effects on the environment not previously examined and analyzed by the MEIR or Air Quality MND for the reasons set forth in the Initial Study; and (3) other than identified below, there are no new or additional mitigation measures or alternatives required.

In addition, after conducting a review of the adequacy of the MEIR pursuant to Public Resources Code Section 21157.6(b)(1), the Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete and the Air Quality MND was adopted, has become available. Moreover, as lead agency for this project, the Planning and Development Department, per Section 15177(d) of the CEQA Guidelines, has determined that all feasible mitigation measures from MEIR No. 10130 and the Air Quality MND shall be applied to the project as conditions of approval as set forth in the attached Mitigation Monitoring Checklist (See "Master Environmental Impact Report (MEIR) No. 10130/SCH No. 2001071097 For the 2025 General Plan, Mitigation Monitoring Checklist).

Public notice has been provided regarding staff's finding in the manner prescribed by Section 15177(d) of the CEQA Guidelines and by Section 21092 of the California Public Resources Code (CEQA provisions).

Planning Manager, City of Fresno

Date

7/16/200

Attachments:

Notice of Intent to Adopt A Finding of Conformity

Modified Appendix G To Analyze Subsequent Project Identified In MEIR No. 10130/MND For Plan Amendment A-09-02

(Air Quality MND)/Initial Study for Environmental Assessment No. C-08-293/T-5903

Master Environmental Impact Report (MEIR) No. 10130/SCH No. 2001071097 For the 2025 General Plan: Mitigation

MEIR Mitigation Monitoring Checklist for Environmental Assessment No. C-08-293/T-5903

Master Environmental Impact Report (MEIR) Review Summary (Attachment: Status of MEIR Analysis with Regard to

Air Quality and Climate Change)

CITY OF FRESNO NOTICE OF INTENT TO ADOPT A FINDING OF CONFORMITY

PROJECT TITLE AND ENVIRONMENTAL ASSESSMENT

Tentative Tract Map No. T-5903

Conditional Use Permit No. C-08-293

APPLICANT:

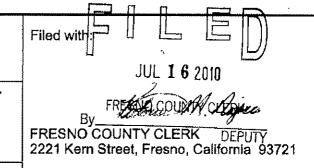
Norman Kizirian 11261 North Chestnut Avenue Clovis, CA 93619

PROJECT LOCATION:

West side of the North Chestnut Avenue alignment, north of East Copper Avenue

36° 54' 0.039" N Latitude, 119° 44' 26.4804" W Longitude

(APN: 579-074-33 and 34)



PROJECT DESCRIPTION: Gary Giannetta, on behalf of Norman Kizirian, has filed Conditional Use Permit Application No. C-08-293 and Vesting Tentative Tract Map No. 5903 pertaining to approximately 12.13 acres of property located on the west side of the North Chestnut Avenue alignment, north of East Copper Avenue. Conditional Use Permit Application No. C-08-293 proposes a private street planned development. Vesting Tentative Tract Map No. T-5903 proposes to subdivide the property into a six lot, and one remainder lot, single-family residential subdivision. The applications are consistent with the planned land uses of low density residential as designated by both the 2025 Fresno General Plan and the Woodward Park Community Plan.

The project also includes the detachment of the subject property from the Fresno County Fire Protection District and annexation to the City of Fresno for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is fully within the scope of the Master Environmental Impact Report No. 10130 (MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097) and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND). Therefore, the Planning and Development Department proposes to adopt a Finding of Conformity for this project.

With the mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR or Air Quality MND. After conducting a review of the adequacy of the MEIR and Air Quality MND pursuant to Public Resources Code, Section 21157.6(b)(1), the Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete and the Air Quality MND was adopted, has become available. The project is not located on a site which is included on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section.

E201010000223

Notice of Intent to File Finding of Conformity EA No. C-08-293/T-5903 July 16, 2010

Additional information on the proposed project, including the MEIR, Air Quality MND, proposed environmental finding and the initial study may be obtained from the Planning and Development Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604. Please contact Israel Trejo at (559) 621-8044 for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on August 17, 2010. Please direct comments to Israel Trejo, Planner, City of Fresno Planning and Development Department, City Hall, 2600 Fresno Street, Room 3043, Fresno, California, 93721-3604; or by email to Israel.Trejo@fresno.gov; or comments can be sent by facsimile to (559) 498-1026.

INITIAL STUDY PREPARED BY:

Israel Trejo, Planner

DATE: July 16, 2010

SUBMITTED BY:

Mike Sanchez, Planning Manager CITY OF FRESNO PLANNING AND DEVELOPMENT DEPARTMENT

MODIFIED APPENDIX G TO ANALYZE SUBSEQUENT PROJECT IDENTIFIED IN MEIR NO. 10130/MND FOR PLAN AMENDMENT A-09-02 (AIR QUALITY MND)/INITIAL STUDY

Environmental Checklist Form

- 1. Project title: Conditional Use Permit Application No. C-08-293 and Vesting Tentative Tract Map No. 5903/UGM
- 2. Lead agency name and address:

City of Fresno Planning & Development Department 2600 Fresno Street Fresno, CA 93721

3. Contact person and phone number:

Israel Trejo, Planner (559) 621-8044

4. Project location:

West side of the North Chestnut Avenue alignment, north of East Copper Avenue

5. Project sponsor's name and address:

Norman Kizirian 11261 North Chestnut Avenue Clovis, CA 93619

6. General plan designation:

The Woodward Park Community Plan and the 2025 Fresno General Plan designate the subject property for low density residential planned land uses

7. Zoning:

R-1/UGM (pre-zoned) (Single Family Residential District/Urban Growth Management)

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation including any off-site infrastructure improvements necessary to address impacts from the project. Attach additional sheets if necessary.)

Gary Giannetta, on behalf of Norman Kizirian has filed Conditional Use Permit Application No. C-08-293 and Vesting Tentative Tract Map No. 5903/UGM pertaining to approximately 12.13 acres of property located on the west side of the North Chestnut Avenue alignment, north of East Copper Avenue. The property is located within the jurisdiction of the Woodward Park Community Plan and the 2025 Fresno General Plan. The Woodward Park Community Plan and the 2025 Fresno General Plan designate the subject property for low density residential planned land uses. The application is a request to subdivide the property into a six lot, and one remainder lot, single family residential private street subdivision.

9. Surrounding land uses and setting: (Briefly describe the project's surroundings)

	Planned Land Use	Existing Zoning	Existing Land Use
North	Open Space – Golf Course	O/UGM Open Space/Urban Growth Management	Golf Course
South	Medium Low Density Residential	R-1/UGM (pre-zoned) Single Family Residential District/Urban Growth Management	Vacant and One Single Family Residence
East	Open Space – Golf Course	O/UGM Open Space/Urban Growth Management	Golf Course
West	Medium Density Residential	R-1/UGM Single Family Residential District/Urban Growth Management	Vacant

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement): The project has been routed for comment to the City of Fresno routing partners. Development and Resource Management Department, Building & Safety Services Division; Department of Public Works; Department of Public Utilities; County of Fresno, Department of Community Health; City of Fresno Police & Fire Departments; Fresno Metropolitan Flood Control District; Department of Transportation; Fresno Irrigation District; Clovis Unified School District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

Pursuant to Public Resources Code Section 21157.1(b) and CEQA Guidelines 15177(b)(2), the purpose of this MEIR initial study is to analyze whether the subsequent project was described in the Master Environmental Impact Report No. 10130 and whether the subsequent project may cause any additional significant effect on the environment, which was not previously examined in MEIR No. 10130 ("MEIR") or the Mitigated Negative Declaration prepared for Plan Amendment A-09-02 to amend the Air Quality Element of the 2025 Fresno General Plan (SCH # 2009051016) ("Air Quality MND").

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

Aesthetics	Agriculture and Forestry Resources	Air Quality
Biological Resources	Cultural Resources	Geology/Soils
Greenhouse Gas Emissions	Hazards & Hazardous Materials	Hydrology/Water Quality
Land Use/Planning	Mineral Resources	Noise

Population / Housing

Public Services

Recreation

Mandatory Findings of

Transportation/Traffic

Utilities/Service Systems

Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project is a subsequent project within the scope of the MEIR and Air Quality MN significant effects that were not examined in the MEI new additional mitigation measures or alternatives ma measures contained in the Mitigation Monitoring Chec project. A FINDING OF CONFORMITY will be prepared	ID because it would have no additional IR or the Air Quality MND such that no ay be required. All applicable mitigation exhibs shall be imposed upon the proposed
I find that the proposed project is a subsequent project MND but that it is not fully within the scope of the M proposed project could have a significant effect on the the MEIR or Air Quality MND. However, there will because revisions in the project have been made by or project specific mitigation measures and all applicate MEIR Mitigation Monitoring Checklist will be imputified.	MEIR and Air Quality MND because the me environment that was not examined in all not be a significant effect in this case or agreed to by the project proponent. The pole mitigation measures contained in the posed upon the proposed project. A
I find that the proposed project is a subsequent project have a significant effect on the environment that was a MND, and an ENVIRONMENTAL IMPACT REPO significant effects not examined in the MEIR or Air Quantum Code Section 21157.1(d) and CEQA Guidelines 15178	not examined in the MEIR or Air Quality RT is required to analyze the potentially uality MND pursuant to Public Resources
Soul May	7-16-60
Signature	Date
Signature	Date

EVALUATION OF ADDITIONAL ENVIRONMENTAL IMPACTS NOT ASSESSED IN THE MEIR or Air Quality MND:

- 1. For purposes of this MEIR Initial Study, the following answers have the corresponding meanings:
 - a. "No Impact" means the subsequent project will not cause any additional significant effect related to the threshold under consideration which was not previously examined in the MEIR or Air Quality MND.
 - b. "Less Than Significant Impact" means there is an impact related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND, but that impact is less than significant;

- c. "Less Than Significant with Mitigation Incorporation" means there is a potentially significant impact related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND, however, with the mitigation incorporated into the project, the impact is less than significant.
- d. "Potentially Significant Impact" means there is an additional potentially significant effect related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND.
- 2. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 3. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 4. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 5. A "Finding of Conformity" is a determination based on an initial study that the proposed project is a subsequent project identified in the MEIR and that it is fully within the scope of the MEIR and Air Quality MND because it would have no additional significant effects that were not examined in the MEIR or the Air Quality MND.
- 6. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 7. Earlier analyses may be used where, pursuant to the tiering, program EIR or MIER, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in the MEIR or another earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 8. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside

document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 9. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 10. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 11. The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, b limited to, trees, rock outcroppings, and historic build within a state scenic highway?				X
c) Substantially degrade the existing visual character of the site and its surroundings?	or quality			X
d) Create a new source of substantial light or glare wh would adversely affect day or nighttime views in the a				X

No public or scenic vista will be obstructed by the development and no valuable vegetation will be removed. The project will not damage any scenic resources nor will it degrade the visual character or quality of the subject site and its surroundings, given that the project site is surrounded by a golf course, vacant land and land proposed to be developed with residential uses. The development of the site will not create a new source of substantial light or glare which would affect day or night time views in the project area, given that during the entitlement process, staff will ensure that lights are located in areas that will minimize light sources to the neighboring properties. As a result, the project will have no impact on aesthetics.

II. AGRICULTURE AND FORESTRY RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

The current planned land use designated by the 2025 Fresno General Plan is Low Density Residential. The subject site (and neighboring site) was planned for Medium-Low Density Residential when the adoption of the 2025 Fresno General Plan occurred in 2002. Impacts related to the loss of agricultural resources will be less than significant since the proposed project is not converting more than 40 acres of farmland to non agricultural uses. Therefore, no farmland of local significance will be impacted as a result of the proposed project.

The subject site is not under a Williamson Act contract. The proposed vesting tentative tract map and conditional use permit do not conflict with any forest land or Timberland Production or result in any loss of forest land. The proposed project does not include any changes which will affect the existing environment.

X

X

X

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- following determinations. Would the project:

 a) Conflict with or obstruct implementation of the applicable air quality plan?
- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- d) Expose sensitive receptors to substantial pollutant concentrations?

	Potentially	Less Than	Less Than	No
	Significant	Significant with	Significant	Impact
	Impact	Mitigation	Impact	
	•	Incorporation		
e) Create objectionable odors affecting a substantial number of				X

The proposed project will not occur at a scale or scope with potential to contribute substantially or cumulatively to existing or projected air quality violations, impacts, or increases of criteria pollutants for which the San Joaquin Valley region is under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors). The proposed project will comply with all applicable air quality plans. Therefore, no violations of air quality standards will occur and no net increase of pollutants will occur. The proposed use is allowed on the subject site and will not expose sensitive receptors to substantial pollutant concentrations. The proposed project is not proposing a use which will create objectionable odors; therefore there will be no impact.

X

X

X

Χ

X

Χ

IV. BIOLOGICAL RESOURCES -- Would the project:

people?

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The proposed project would not directly affect any sensitive, special status, or candidate species, nor would it modify any habitat that supports them. No federally protected wetlands are located on the subject site. Therefore, there would be no impacts to species, or other sensitive communities and wetlands. There are also no bodies of water on the subject site or in the immediate vicinity of the subject site. The proposed project would have no impact on the movement of migratory fish or wildlife species or on established wildlife corridors or wildlife nursery sites. No local policies regarding biological resources are applicable to the

Potentially	Less Than	Less Than	No
Significant	Significant with	Significant	Impact
Impact	Mitigation	Impact	-
	Incorporation		

subject site and there would be no impacts with regard to those plans. No habitat conservation plans or natural community conservation plans in the region pertain to the natural resources that exist on the subject site or in its immediate vicinity. Finally, no actions or activities resulting from the implementation of the proposed project would have the potential to affect floral, or faunal species; or, their habitat. Therefore, there would be no impacts.

V. CULTURAL RESOURCES Would the project:	
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?	X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?	X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	X
d) Disturb any human remains, including those interred outside	X

There are no structures which exist on or within the immediate vicinity of the site that are listed on, or considered to be eligible to the National or Local Register of Historic Places, and the subject site is not within either a designated or proposed historic district.

There is no evidence that cultural resources of any type (including historical, archaeological, paleontological, or unique geologic features) exist on the subject property. Past record searches for the region have not revealed the likelihood of cultural resources on the subject property or in its immediate vicinity. Therefore, it is not expected that the proposed project may impact cultural resources. It should be noted however that lack of surface evidence of historical resources does not preclude the subsurface existence of archaeological resources. Therefore, due to the ground disturbing activities that will occur as a result of the project, the measures within the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan, Mitigation Monitoring Checklist to address archaeological resources, paleontological resources, and human remains will be employed to guarantee that should archaeological and/or animal fossil material be encountered during project excavations, then work shall stop immediately; and, that qualified professionals in the respective field are contacted and consulted in order to insure that the activities of the proposed project will not involve physical demolition, destruction, relocation, or alteration of historic, archaeological, or paleontological resources.

VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	X
ii) Strong seismic ground shaking?	X
iii) Seismic-related ground failure, including liquefaction?	
iv) Landslides?	X
b) Result in substantial soil erosion or the loss of topsoil?	X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unswould become unstable as a result of the project, a potentially result in on- or off-site landslide, latera subsidence, liquefaction or collapse?	nd			X
d) Be located on expansive soil, as defined in Tab the Uniform Building Code (1994), creating subst to life or property?				X
e) Have soils incapable of adequately supporting a septic tanks or alternative waste water disposal sy sewers are not available for the disposal of waste	stems where			X

There are no geologic hazards or unstable soil conditions known to exist on the site. Fresno has no known active earthquake faults and is not in any Alquist-Priolo Special Studies Zones. No adverse environmental effects related to topography, soils or geology are expected as a result of this project.

VII. GREENHOUSE GAS EMISSIONS -

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

X

Χ

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The proposed project will not occur at a scale or scope with potential to contribute substantially or cumulatively to the generation of greenhouse gas emissions, either directly or indirectly. Under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases will be reduced along with other regulated air pollutants. At this point in time, detailed analyses and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks are not completed. The proposed project will not affect greenhouse gas emissions beyond what was analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan.

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Х

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

X

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter

Х

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
mile of an existing or proposed school?				
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

There are no known existing hazardous material conditions on the site and the project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The project itself will not generate or use hazardous materials, is not in an airport hazard zone, is not near any wildland fire hazard zones, and poses no interference with the City's or County's Hazard Mitigation Plans or emergency response plans. No pesticides or hazardous materials are known to exist on the site and the proposed project will have no environmental impacts related to potential hazards or hazardous materials as indentified above.

IX. HYDROLOGY AND WATER QUALITY -- Would the project: X a) Violate any water quality standards or waste discharge requirements? X b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)? X c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion

X

or siltation on- or off-site?

d) Substantially alter the existing drainage pattern of the site or

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

There are no aspects of this project that will result in impacts to water supply or quality beyond those analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan or MND. The project will not substantially alter existing drainage patterns of the site or area or substantially increase the rate or amount of runoff in a manner which would result in flooding, exceed planned storm water drainage systems, or provide substantial sources of polluted runoff. The site is not located within a flood prone or hazard area. The subject property is proposed to be developed at an intensity and scale permitted by the planned land use and proposed zoning designation for the site. Thus, the proposed development project will not facilitate an additional intensification of uses beyond that which already exists or would be allowed by the above-noted planned land use designation; resulting in additional impacts on water supply from increased demand.

X. LAND USE AND PLANNING -- Would the project:

a) Physically divide an established community?

X

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

The proposed project will not conflict with any applicable land use plan, policy or regulation of the City of Fresno. The proposed project (including the design and improvement of the subject property is found; (1) To be consistent with the applicable 2025 Fresno General Plan and Woodward Park Community Plan; (2) To be Suitable for the type and density of development; (3) To be safe from potential cause or introduction of serious public health problems; and, (4) To not conflict with any public interests in the subject property or adjacent lands. The project will not conflict with any conservation plans since it is not located within any conservation plan areas.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

The subject property is not located in an area designated for mineral resource preservation or recovery. The project will not result in the loss of availability of a locally-important mineral resource recovery site.

X

X

X

X

XII. NOISE -- Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

The proposed project will not expose persons to excessive noise levels. Although the project will create additional activity in the area, the project will be required to comply with all noise policies from the 2025 Fresno General Plan and noise codes from the Fresno Municipal Code. The project is not located within the vicinity of an airstrip, therefore there will be no exposure to excessive noise. The project will comply with all noise policies from the 2025 Fresno General Plan and noise codes from the Fresno Municipal Code.

XIII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Although the project will be intensifying the use of the site, the project site is planned for low density residential uses by the 2025 Fresno General Plan. Properties within the vicinity of the subject property have been developed and continue to develop at the intensity and scale designated by the 2025 Fresno General Plan. Therefore the proposed project will not either directly or indirectly induce substantial population growth in the area. Furthermore, the proposed project does not have the potential to displace existing housing or residents as a result of development thereon.

XIV. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	X
Police protection?	X
Schools?	X
Parks?	X
Other public facilities?	X

The proposed project can be adequately served by emergency and public utility services within the vicinity; this finding has been verified by the City of Fresno Fire and Police Departments; and the Department of Public Utilities. The performance objectives of the 2025 Fresno General Plan and Woodward Park Community Plan have been met.

XV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Х

X

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The proposed project will not result in the physical deterioration of existing parks or recreational facilities; and, will not require expansion of existing recreational facilities or affect recreational services beyond what was analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan. The project does not include or require

Potentially	Less Than	Less Than	No
Significant	Significant with	Significant	Impact
Impact	Mitigation	Impact	_
-	Incorporation	ŕ	

construction of recreational facilities that might have an adverse physical effect on the environment, therefore no recreation impacts are generated by the project.

XVI. TRANSPORTATION/TRAFFIC -- Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

freeways, pedestrian and bicycle paths and mass transit? X b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways? X c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? Χ d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? X e) Result in inadequate emergency access? X

The Public Works Department/Traffic Engineering Division staff has reviewed the proposed traffic yield from the proposed single family residential planned development and the expected traffic generation will not adversely impact the existing and projected circulation system as analyzed in MEIR No. 10130. Furthermore, the design of the proposed subdivision has been evaluated by the Fire Department, and determined to be consistent with respect to connectivity and compliance with City of Fresno standards, specification and policies. Therefore, no substantial increase in hazards is expected to result. The project will not result in a change in air traffic patterns nor will it result in inadequate emergency access. The project will not conflict with adopted polices related to public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

The Department of Public Utilities has determined that adequate sanitary sewer and water services are available to serve the proposed project subject to the provision and construction of standard connections, extensions, and installations of facility infrastructure; and, completion of incremental expansions to facilities for planned water supply, treatment, and storage. Implementation of the 2025 Fresno General Plan policies, mitigation measures of the MEIR and Water Resources Management Plan will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes. The project site will be serviced by the Solid Waste Division and have water and sewer facilities available subject to several conditions. The proposed project is not expected to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. The impact to storm drainage facilities will be less than significant given that the developer will be required to provide drainage services. Therefore, there will be less than significant or no impacts to utilities and service systems.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Χ

X

Potentially	Less Than	Less Than	No
Significant	Significant with	Significant	Impact
Impact	Mitigation	Impact	
	Incorporation		

As noted in preceding sections of this Initial Study, there is no evidence in the record to indicate that the increment of environmental impacts that would be potentiated by this project would be cumulatively significant. There is also no evidence in the record that the proposed project would have any adverse impacts directly, or indirectly, on human beings. Therefore, there are no mandatory findings of significance.

CAO033010

EXHIBIT D

ENVIRONMENTAL ASSESSMENT NO. A-09-02 FINDING OF MITIGATED NEGATIVE DECLARATION MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097 FOR THE 2025 FRESNO GENERAL PLAN

Project/EA No. C-08-293/T-5903

Mitigation Monitoring Checklist

on November 19, 2002) to certify the MEIR for the 2025 Fresno General Plan Update. On June 25, 2009, through finding of a Mitigated Negative Declaration prepared for General Plan Amendment Application No. A-09-02 which incorporated additional and revised mitigation measures as necessary within the following monitoring checklist. its Resolution No. 2009-146, the City Council adopted Environmental Assessment No. A-09-02 confirming the Following is the mitigation monitoring checklist from MEIR No. 10130 as applied to the above-noted project's environmental assessment, required by City Council Resolution No. 2002-378 and Exhibit E thereof (adopted updated the Air Quality Section of the Resource Conservation Element of the 2025 Fresno General Plan and

A - Incorporated into Project

Date: July 16, 2010

B - Mitigated

C - Mitigation in Progress

D - Responsible Agency Contacted

E - Part of City-wide Program F - Not Applicable

NOTE: Letters B-Q in mitigation measures refer to the respective sections of Chapter V of MEIR No. 10130

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	٧		вср	۵	Ш	щ
B-1. Development projects that are consistent with plans and policies but that	Prior to approval	Public Works	×			×		
could affect conditions on major suffer segments predicted by the General Plan MEIR traffic analysis to perform at an Average Daily Traffic (ADT) level of	or raing use entitlement	Planning;						
service (LOS) D or better in 2025, with planned street improvements, shall not		Planning and						
cause conditions on those segments to be worse than LOS E before 2025		Development		. 1				
Without completing a trainic and trainsportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or		Dept.						
street/transportation improvements that will contribute to achieving and								
maintaining LOS D.								

B-2. Development projects that are consistent with plans and policies but that Prior to approval	that Prior t	to approval	Public V
could affect conditions on major street segments predicted by the General Plan of land use	Plan of land	d use	Dept./Ti
MEIR traffic analysis to perform at an ADT LOS E in 2025, with planned street	treet entitlement	ment	Plannin
improvements, shall not cause conditions on those segments to be worse than	than		Diagonia
LOS E before 2025 without completing a traffic and transportation evaluation.	ation.		
This evaluation will be used to determine appropriate project-specific design	ssign		Develo
measures or street/ transportation improvements that will contribute to achieving	sving		; 2. 2.
and maintaining LOS E.			

×				
Public Works	Planning;	Planning and Develonment	Dept.	
Prior to approval	entitlement			

Project/EA No. C-08-293/T-5903

Date: July 16, 2010

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	АВ	0		B C D E	Ш
B-3. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining a LOS equivalent to that anticipated by the General Plan. Further substantial degradation is defined as an increase in the peak hour vehicle/capacity (v/c) ratio of 0.15 or greater for roadway segments whose v/c ratio is estimated to be 1.00 or higher in 2025 by the General Plan MEIR traffic analysis.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.			 		

B-4. For development projects that are consistent with plans and policies, a site
access evaluation shall be required to the satisfaction of the Public Works
Director. This evaluation shall, at a minimum, focus on the following factors:

- a. Disruption of vehicular traffic flow along adjacent major streets, appropriate design measures for on-site vehicular circulation and access to major streets (number, location and design of driveway approaches), and linkages to bicycle/pedestrian circulation systems and transit services.
- b. In addition, for development projects that the City determines may generate a projected 100 or more peak hour vehicle trips (either in the morning or evening), the evaluation shall determine the project's contribution to increased peak hour vehicle delay at major street intersections adjacent or proximate to the project site. The evaluation shall identify project responsibilities for intersection improvements to reduce vehicle delay consistent with the LOS anticipated by the 2025 Fresno General Plan. For projects which affect State Highways, the Public Works Director may direct the site access evaluation to reference the criteria presented in Caltrans Guide for the Preparation of

Prior to approval of land use entitlement	Public Works Dept./Traffic Planning;
	Planning and Development Dept.

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MITIGATION MEASURE	WHEN	COMPLIANCE VERIFIED BY	4	m	U	Ш	ш.
Traffic Impact Studies.							
B-5. Circulation and site design measures shall be considered for development projects so that local trips may be completed as much as possible without use of, or with reduced use of, major streets and major street intersections. Appropriate consideration must also be given to compliance with plan policies and mitigation measures intended to promote compatibility between land uses with different traffic generation characteristics.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.	×			$\left \frac{1}{\times} \right $	
B-6. New development projects and major street construction projects shall be designed with consideration and implementation of appropriate features (considering safety, convenience and cost-effectiveness) to encourage walking, bicycling, and public transportation as alternative modes to the automobile.	Prior to approval or prior to funding of major street project.	Public Works Dept./Traffic Planning; Planning and Development Dept.	$ \mathbf{x} $				
B-7. Bicycle and pedestrian travel and use of public transportation shall be facilitated as alternative modes of transportation including, but not limited to, provision of bicycle, pedestrian and public transportation facilities and improvements to connect residential areas with public facilities, shopping and employment. Adequate rights-of-way for bikeways, preferably as bicycle lanes, shall be provided on all new major streets and shall be considered when designing improvements for existing major streets.	Ongoing	Public Works Dept./Traffic Planning; Planning and Development Dept.	$ \mathbf{x} $				

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υ > ε	C-1. In cooperation with other jurisdictions and agencies in the San Joaquin Valley Air Basin, the City shall take the following necessary actions to achieve and maintain compliance with state and federal air quality standards and programs.	Ongoing	Planning and Development Department Dept.	×		×	×		
ю́	. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals.								
<u>ن</u>	. Maintain internal consistency within the General Plan between policies and programs for air quality resource conservation and the policies and programs of other General Plan elements.								
ပ	City departments preparing environmental review documents shall use computer models (software approved by local and state air quality and congestion management agencies) to estimate air pollution impacts of development entitlements, land use plans and amendments to land use regulations.								
ö	. Adopted state and SJVAPCD protocols, standards, and thresholds of significance for greenhouse gas emissions shall be utilized in assessing and approving proposed development projects.								
ού	. Continue to route information regarding land use plans, development projects, and amendments to development regulations to the SJVAPCD for that agency's review and comment on potential air quality impacts.								

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9 % C 3 % E	C-2. For development projects potentially meeting SJVAPCD thresholds of significance and/or thresholds of applicability for the Indirect Source Review Rule (Rule 9510) in their unmitigated condition, project applicants shall complete the SJVAPCD Indirect Source Review Application prior to approval of the development project. Mitigation measures incorporated into the ISR analysis shall be incorporated into the project as conditions of approval and/or mitigation measures, as may be appropriate.	Ongoing	Planning and Development Department Dept. SJVAPCD	×		<u> ×</u>		
७ €25	C-3. The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.	Ongoing	Various city departments			<u>×</u>	×	
				•				
ن ایک	C-4. The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as:	Ongoing	Fresno Area Express		$\stackrel{\times}{\parallel}$	<u> </u>		
rdi	. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions.							
ف	. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit.							
<i>ರ</i>	. Continuing efforts to improve transit on-time performance, increase frequency of service, extend hours of operation, add express bus service and align routes to capture as much new ridership as possible.							
ġ	. Initiating a program to allow employers and institutions (e.g., educational facilities) to purchase blocks of bus passes at a reduced rate to facilitate their incentive programs for reducing single-passenger vehicle use.							

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D-5. The City shall preserve undeveloped areas within the 100-year floodway Ongoing Planning and		
Ongoing		
	and ent nt	×
D-6. The City shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect:	and lent lent	×
Allowable_construction in this area from being damaged by the intensity of flooding in the riverbottom;		
Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and		
Public health, safety and general welfare from the effects of flood events.		
D-7. The City shall advocate that the San Joaquin River not be channelized and that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).	and lent lent	×
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COMPLIANCE VERIFIED BY	Department of Public Utilities	Department of Public Utilities
WHEN IMPLEMENTED	Ongoing	Ongoing
MITIGATION MEASURE	D-8. The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management and use of all sources of water available to the planning area, and shall periodically update this plan to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development. Project-specific and city-wide water conservation measures shall be directed toward assisting in reaching the goal of balancing City groundwater operations by 2025.	D-9. The City shall continue its current water conservation programs and implement additional water conservation measures to reduce overall per capita water use within the City with a goal of reducing the overall per capita water use in the City to its adopted target consumption rate. The target per capita consumption rate adopted in 2008 is a citywide average of 243 gallons per per per day, intended to be reached by 2020 (which includes anticipated water conservation resulting from the on-going residential water metering program and additional water conservation by all customers: 5% by 2010, and an additional 5% by 2020.)

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D-10 . All development projects shall be required to comply with City Department of Public Utilities conditions intended for the City to reach its overall per capita water consumption rate target. Project conditions shall include, but are not limited to, water use efficiency for landscaping, use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features, as appropriate and sanitary.	Prior to approval of land use entitlement	Department of Public Utilities	×	
D-11. When and if the City adopts a formal management plan for recycled and/or reclaimed water, all development shall comply with its standards and requirements. Absent a formal management plan for recycled and/or reclaimed water, new development projects shall install reasonably necessary infrastructure, facilities and equipment to utilize reclaimed and recycled water for landscape irrigation, decorative fountains and ponds, and other water-consuming features, provided that use of reclaimed or recycled water is determined by the Department of Public Utilities to be feasible, sanitary, and energy-efficient.	Prior to approval of development project	Department of Public Utilities	×	

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D-12. All applicants for development projects shall provide data (meeting City Department of Public Utilities criteria for such data) on the anticipated annual water demand and daily peak water demand for proposed projects. If a development project would increase water demand at a project location (or for a type of development) beyond the levels allocated in the version of the City's Urban Water Management Plan (UWMP) in effect at the time the project's environmental assessment is conducted, the additional water demand will be required to be offset or mitigated in a manner acceptable to the City Department of Public Utilities. Allocated water demand rates are set forth in Table 6-4 of the 2008 UWMP as follows:	nt projects shall a for such data; demand for property and succept water demand levels allocated water the additional a manner accestated water den lows:	I provide data) on the anticit oposed project data project I in the version at the time the ional water de ptable to the (nand rates are	ovide data (meeting City in the anticipated annual used projects. If a a project location (or for the version of the City's he time the project's al water demand will be ble to the City drates are set forth in	Prior to approval of development project	Department of Public Utilities		×	
FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES	PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:	TORS, in acredated to be connitervals:	f/acre/yr, for npleted					
(Analysis shall include acreage to all street centerlines.)	01/01/2005 THROUGH 12/31/2010	01/01/2010 THROUGH 12/31/2024	AFTER 01/01/2025					
Single family residential	3.8	3.5	3.5					
Multi-family residential	6.5	6.2	6.2					
Commercial and institutional	2	1.9	1.9					
Industrial	2	1.9	1.9					
Landscaped open space	3	2.9	2.9					
South East Growth Area	3.4	3.2	3.2					
NOTE: The above land use classifications and demand allocation factors may be amended in future updates of the Urban Water Management Plan	ions and deman the Urban Wate	d allocation factors is I Management Plan	tors may be Plan					

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D-13. The City will conform to the requirements of Waste Discharge Requirements Order 5-01-254, including groundwater monitoring and subsequent Best Practical Treatment and Control (BPTC) assessment and findings. E-1. The City shall continue to implement and pursue strengthening of urban growth management service delivery requirements and annexation policy agreements, including that the county continue to implement similar measures within the boundaries of the 2025 Fresno General Plan, to promote contiguous urban development and discourage premature conversion of agricultural land. Department of Public Utilities Pu		
s of Waste Discharge onitoring and subsequent lent and findings. strengthening of urban and annexation policy are to implement similar seneral Plan, to promote emature conversion of		
e strengthening of urban and annexation policy let to implement similar seneral Plan, to promote emature conversion of	partment of olic Utilities	×
e strengthening of urban Ongoing and annexation policy let to implement similar beneral Plan, to promote emature conversion of		
	nning and velopment partment	×
E-2. To minimize the inefficient conversion of agricultural land, the City shall Ongoing Planning and pursue the appropriate measures to ensure that development within the General Plan and that urban development occurs within the city's incorporated boundaries.	nning and velopment partment	x
E-3. The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of transition where planned urban areas interface with planned agricultural areas.	nning and velopment partment	×

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COMPLIANCE VERIFIED BY	Planning and Development Department	Dept. of Public Utilities and Planning and Development Department	Dept. of Public Utilities
WHEN IMPLEMENTED	Ongoing	Ongoing	Ongoing
MITIGATION MEASURE	 E-4. Development of agricultural land, or fallow land adjacent to land designated for agricultural uses, shall incorporate measures to reduce the potential for conflicts with the agricultural use. Implementation of the following measures shall be considered: a. Including a buffer zone of sufficient width between proposed residences and the agricultural use. b. Restricting the intensity of residential uses adjacent to agricultural lands. c. Informing residents about possible exposure to agricultural chemicals. d. Where feasible and permitted by law, exploring opportunities for agricultural operators to cease aerial spraying of chemicals and use of heavy equipment near proposed residences. e. Recordation of right to farm covenants to ensure that agricultural uses of land can continue. 	F-1. The City shall ensure the provision for adequate trunk sewer and collector main capacities to serve existing and planned urban and economic development, including existing developed uses not presently connected to the public sewer system, consistent with the Wastewater Master Plan. Where appropriate, the City will coordinate with the City of Clovis and other agencies to ensure that planning and construction of facilities address regional needs in a comprehensive manner.	F-2. The City shall continue the development and use of citywide sewer flow monitoring and computerized flow modeling to ensure the availability of sewer collection system capacity to serve planned urban development.

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F-2-a. The City shall provide for containment and management of leathers and sludge adequate to prevent groundwater degradation.	Ongoing	Dept. of Public Utilities				×	
F-3. The City shall ensure the provision of adequate sewage treatment and disposal by using the Fresno-Clovis Regional Wastewater Reclamation Facility as the primary facility when economically feasible for all existing and new development within the General Plan area. Smaller, subregional wastewater treatment facilities may also be constructed as part of the regional wastewater treatment system, when appropriate. This shall include provision of tertiary treatment facilities to produce recycled water for landscape irrigation and other non-potable uses. Site specific environmental evaluation and development of Waste Discharge Requirements by the Regional Water Quality Control Board shall precede the construction of these facilities. Mitigation measures identified environmental impacts.	Ongoing	Dept. of Public Utilities				×	

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E - Part of City-Wide Program F - Not Applicable

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Dept. of Public Utilities and

Ongoing/prior to approval of land use entitlement

F-4. The City shall ensure that adequate trunk sewer capacity exists or can be provided to serve proposed development prior to the approval of rezoning, special permits, tract maps and parcel maps, so that the capacities of existing facilities are not exceeded.

Planning and Development Department

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A B C D E F
F-5. The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Dept. of Public Utilities	×
G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Fire Dept/Police Dept/ Planning and Development Dept.	×
H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.	Ongoing/prior to construction	Parks and Recreation Dept.; Planning and Development Dept.	× ×
1-1. Projects that could adversely affect rare, threatened or endangered wildlife and vegetative species (or may have impacts on wildlife, fish and vegetation restoration programs) may be approved only with the consent of the California Department of Fish and Game (and the U.S. Fish and Wildlife Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.	×

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1-2. Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall including siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation shall consist of native species similar to those removed.	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.					×
habitat at a nearby off-site location shall be provided. The replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net less of habitat acreage or value. Typically, the U.S. Fish and Wildlife Service and California Department of Fish and Game require a ratio of three replacement acres for every one acre of high quality riparian or wetland habitat lost.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.					×
1-4. Existing and mature riparian vegetation shall be preserved to the extent feasible, except when trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment shall occur outside of the drip lines of any trees to be preserved.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.					×
1-5. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection).	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.					×

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	MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A B C D E F
I-6. All al state or lin passive french non-intrus	I-6. All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.	×
b. 1. If the contain contain contain contain contain contain preservat a. Amer a. Amer b. Settin perma c. Capp c. Capp d. Incorr these e. Avoid the signal contains the secont contains contains and contains cont	 J-1. If the site of a proposed development or public works project is found to contain unique archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options, or equivalent measures: a. Amending construction plans to avoid the resources. b. Setting aside sites containing these resources by deeding them into permanent conservation easements. c. Capping or covering these resources with a protective layer of soil before building on the sites. d. Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them. e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft. 	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.	×

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J-2. An archaeological assessment shall be conducted for the project if prehistoric human relics are found that were not previously assessed during the environmental assessment for the project. The site shall be formally recorded, and archaeologist recommendations shall be made to the City on further site investigation or site avoidance/ preservation measures.	Ongoing/prior to submittal of land use entitlement application	Planning and Development Dept.	×			
J-3. If there are suspected human remains, the Fresno County Coroner shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately, and the California Archaeological Inventory's Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists.	Ongoing	Planning and Development Dept./ Historic Preservation Commission staff	×			
J-4. Where maintenance, repair stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Weeks and Grimmer, 1995), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.	Ongoing	Planning and Development Dept./ Historic Preservation Staff				×
K-1. The City shall adopt the land use noise compatibility standards presented in Figure VK-2 for general planning purposes.	Ongoing	Planning and Development Dept.				$\left \begin{array}{c} \\ \times \end{array} \right $

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 K-2. Any required acoustical analysis shall be performed as required by Policy H-1-d of the 2025 Fresno General Plan for development projects proposing residential or other noise sensitive uses as defined by Policy H-1-a, to provide compliance with the performance standards identified by Policies H-1-a and H-1-k. (Note: all are policies of the 2025 Fresno General Plan.) The following measures can be used to mitigate noise impacts; however, impacts may not be fully mitigated within the 70 dBA noise contour areas depicted on Figure VK-4. Site Planning. See Chapter V for more details. Barriers. See Chapter V for more details. Building Designs. See Chapter V for more details. 	Ongoing/upon submittal of land use entitlement application	Planning and Development Dept.					
K-3. The City shall continue to enforce the California Administrative Code, Title 24, Noise Insulation Standards. Title 24 requires that an acoustical analysis be performed for all new multi-family construction in areas where the exterior sound levels exceed 60 CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 CNEL or below.	Ongoing/prior to building permit issuance	Planning and Development Dept.					×
L-1. Any construction that occurs as a result of a project shall conform to current Uniform Building Code regulations which address seismic safety of new structures and slope requirements. As appropriate, the City shall require a preliminary soils report prior to subdivision map review to ascertain site specific subsurface information necessary to estimate foundation conditions. This report shall reference and make use of the most recent regional geologic maps available from the California Department of Conservation, Division of Mines and Geology.	Ongoing	Planning and Development Dept.	×			$\left \frac{1}{\times} \right $	

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N-1. The City shall cooperate with appropriate energy providers to ensure the Ongoing provision of adequate energy generated and distribution facilities, including environmental review as required.
oguidelines applicable to all Ongoing nese design guidelines will sidential buildings that are
visible to pedestrians and vehicle drivers using major streets or are visible from proximate properties zoned or planned for residential use.

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EXHIBIT C

MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) REVIEW SUMMARY

Projected Population and Housing. The City of Fresno experienced a period of notable growth in the construction of single family residences over the first five-year period of the 2025 Fresno General Plan (2003 through 2007). However, this development has occurred within the parameters anticipated by the General Plan and the mitigation measures established by Master Environmental Impact Report (MEIR 10130/SCH 2001071097). The General Plan and its MEIR utilized a projected population growth rate for purposes of land use and resource planning. This projection anticipated an annual average population growth of approximately 1.9 percent over the 23-year planning period. Population estimates provided by the State of California Department of Finance (DOF) indicate a population growth of approximately 60, 000 people between 2002 and 2007 with a growth rate varying from 1.47 to 1.97 percent per year. These estimates are well within the growth projections of the General Plan and MEIR.

The City has processed approximately 110 plan amendment applications since the adoption of the 2025 Fresno General Plan. These applications have resulted in changes of planned land use that affected approximately 1,000 acres, representing approximately one percent of the land area within the 2025 Fresno General Plan boundary. The impacts of these amendments are minimal and not significant in relation to the balance of the density and intensity of the land uses impacted by the plan amendment applications.

Based upon this, many of the assumptions relied upon for the MEIR to address other impacts, such as traffic, air quality, need for public utilities, services and facilities and water supplies are still valid to the extent that these assumptions relied upon projected population growth during the General Plan planning period. For this reason and the others provided below, the Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known pursuant to CEQA Guideline Section 15179(b)(1) and the MEIR may still be relied upon.

Transportation and Circulation. Subsequent to the certification of the MEIR the City of Fresno has required the preparation of approximately 200 site specific traffic impact studies and had required the provision of street, intersection signalization and transportation improvements in accordance with the adopted mitigation measures of the MEIR. The City's Traffic Engineer reports that through review of these approximately 200 traffic impact studies, the City has not seen traffic counts substantially different than those predicted by the MEIR. Concurrently with these efforts, the City adopted a new program for traffic signal and major street impact fees to pay for planned improvements throughout Fresno (not just in new growth areas, as has been the case with the previous impact fee program). These fees will more comprehensively provide for meeting transportation infrastructure needs and will expedite reimbursement for developments, which construct improvements that exceed the project's proportionate share of the corresponding traffic or transportation capacity needs.

In addition to the local street system, the City has entered into an agreement with the California Department of Transportation to collect impact fees for state highway facilities which may be impacted by new development projects. The City participates in the Fresno County

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Transportation Authority, which recently was successful in obtaining voter re-authorization of a half-cent sales tax to be dedicated to a wide range of transportation facilities and programs (including mass transit). The City is also an active participant in ongoing regional transportation planning efforts, such as a freeway deficiency study, a corridor study for one or more additional San Joaquin River crossings, and the State's "Blueprint for the Valley" process. All these studies were commenced after the MEIR was certified, but none of them is yet completed. Therefore, it cannot be concluded that Fresno's environmental setting or the MEIR analysis of traffic and circulation have materially changed since November of 2002.

Therefore, Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known based upon traffic impacts pursuant to CEQA Guideline Section 15179(b)(1).

<u>Air Quality and Global Climate Change</u> Staff has worked closely with the regional San Joaquin Valley Air Pollution Control District (SJVAPCD) since the November 2002 certification of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR). Potential air quality impacts have been analyzed for every environmental assessment initial study done for City development projects. Projects are required to comply with SJVAPCD rules and regulations via conditions of approval and mitigation measures formulated in the MEIR.

Overall, revisitation of these issues leads to the conclusion that, while there have been changes in air quality laws, planning requirements, and rules and regulations since certification of the MEIR, the actual environmental setting has not evidenced degradation of air quality. (Because air quality and global climate change are matters of some public controversy, additional documentation has been supplied on this issue; please refer to the appended full analysis with supporting data.)

In conjunction with SJVAPCD attainment plans and attendant rules and regulations that were adopted prior to the certification of the MEIR, policies in the 2025 Fresno General Plan and MEIR mitigation measures aimed at improving air quality appear to be working. Since 2002, data show that pollutant levels have been steadily decreasing for ozone/oxidants and for particulate matter (10 microns and 2 microns in size). Recent adoption of new air quality attainment plans by SJVAPCD, calling for broader and more stringent rules and regulations to achieve compliance with national and state standards, is expected to accelerate progress toward attainment of clean air act standards.

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Conditional Use Permit No. C-08-293 and Vesting Tentative Tract Map No. T-5903 or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

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Staff is not aware of any particular circumstance or information that would make impacts to air quality a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Therefore, Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known based upon air quality impacts pursuant to CEQA Guideline Section 15179(b)(1).

Water Supply, Quality and Hydrology. The City of Fresno has initiated, continued and completed numerous projects addressing general plan and MEIR provisions relating maintaining an adequate supply of safe drinking water to serve present and future projected needs. A water meter retrofit program to meter service to all consumers by the end of the year 2012 is underway, in compliance with State law that predated the MEIR and with new regulations affecting the U.S. Bureau of Reclamation Central Valley Project. (While the federal regulation has trumped a voter-approved City charter amendment that specifically prohibited using meters for residential development, the City's plans and policies have always contained measures calling for water conservation and for seeking ways to reduce average consumption of households. Metering is recognized as the best implementation measure for this, and does not constitute a change in the City's environmental setting or the analysis and mitigation in the 2025 Fresno General Plan MEIR.) After certification of the MEIR, the City commenced operation of its northeast area surface water treatment facility; initiated and began construction of additional groundwater wells with granular activated carbon filtration systems as necessary to remediate groundwater contamination that was discussed in the MEIR and its mitigation measures; provided for additional groundwater recharge areas; and expanded its network of water transmission main pipeline improvements allowing for improved distribution of water supply.

As called for in 2025 General Plan policies and MEIR mitigation measures, the City has implemented several programs for preventing water pollution: In conjunction with Fresno Metropolitan Flood Control District and the Regional Water Quality Control Board (RWQCB) City inspectors assist in enforcing the National Pollutant Discharge Elimination System Stormwater Pollution Prevention regulations, The Planning and Development Department also consults with RWQCB on specific development projects which may require on-site wastewater treatment, and provides project-specific conditions and even supplemental environmental analysis for such projects, with specific mitigation measures. The City's Department of Public Utilities has enhanced its industrial pretreatment permitting program for industrial wastewater generators who discharge to the Fresno-Clovis Wastewater Treatment and Reclamation Facility.

Staff is not aware of any particular circumstance or information that would make impacts to water supply, quality and hydrology a reasonably foreseeable impact or more severe impact from that identified in the MEIR. The Director of Public Utilities finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known based upon traffic impacts pursuant to CEQA Guideline Section 15179(b)(1).

Agricultural Resources. The implementation of applicable policies since adoption of the 2025 Fresno General Plan has encouraged the development of urban uses in a more systematic pattern that avoids discontinuity and the creation of vacant by-passed properties. These efforts, together with the requirement to record "right-to-farm" covenants, facilitate the continuation of existing agricultural uses within the city's planned urban growth boundary during the interim period preceding orderly development of the property as anticipated by the General Plan. Staff is not aware of any particular circumstance or information that would make impacts from loss of agricultural resources a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the

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MEIR was certified and/or new information is not known related to loss of agricultural resources pursuant to CEQA Guideline Section 15179(b)(1).

Demand for Utilities and Service Systems. The City of Fresno has continued to provide for utilities and service systems commensurate with the demands of increased population and employment within its service area, implementing policies of the 2025 Fresno General Plan and conforming to MEIR mitigation measures. Programmatic measures have been continued. expanded or initiated to increase the efficiencies of providing services in a manner that will reduce potential impacts upon the natural and human environment. These improvements have included bringing the City's first surface water treatment plant on-line to distribute treated surface water, thereby preventing a worsening of groundwater overdraft in northeast Fresno; converting a substantial portion of the City's service vehicle fleet to alternative fuels; and expanding recycling and conservation measures (including contracting with a major material sorting and recycling facility and a green waste processor to comply with AB 939 solid waste reduction mandates) to more judiciously use resources and minimize adverse impacts the environment. Adoption of City-wide police and fire facility development impact fees and a contract to consolidate fire service with an adjacent fire prevention district have been accomplished to assure the provision of adequate firefighting capacity to serve a broader geographic extend of urban development and more intensive and mixed-use development throughout the metropolitan area.

Because these changes were anticipated in, or provided for by, the 2025 Fresno General Plan and its MEIR mitigation measures, they do not constitute a significant or adverse alteration of Fresno's environmental setting. Staff is not aware of any particular circumstance or information that would make impacts from increased demand for utilities and service systems and public facilities a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to increased demand for utilities, service systems, and public facilities pursuant to CEQA Guideline Section 15179(b)(1).

<u>Demand for Recreational Facilities</u>. The City of Fresno has adopted and City-wide parks facility and Quimby Act fee which provides for the acquisition of new open space and recreation facilities as well as improvements to existing facilities and programs to provide a broader range of recreation opportunities. Staff is not aware of any particular circumstance or information that would make impacts from increased demand for recreational facilities a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to increased demand for utilities, service systems, and public facilities pursuant to CEQA Guideline Section 15179(b)(1).

Biological Resources. The City continues to evaluate all development proposals for potential impacts upon natural habitats and associated species dependent upon these habitats. The City supports continuing efforts to acquire the most prominent habitats where appropriate, such as portions of the San Joaquin River environs. When development or public works projects have been proposed in this area, they have been subject to site-specific evaluation through supplemental environmental analyses, and appropriate mitigation measures and conditions applied as derived from consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Game. The City has imposed MEIR mitigation measures related to Biological Resources on projects that identified potential impacts to biological resources. Staff finds that this has adequately addressed any potential impact to biological resources. Staff is not aware of any particular circumstance or information that would make impacts from loss of

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biological resources a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to loss of biological resources pursuant to CEQA Guideline Section 15179(b)(1).

<u>Potential Disturbance of Cultural Resources</u>. The City of Fresno has implemented numerous efforts to identify historic and cultural resources, and provide thorough consideration as to their value and contributions to understanding or historic and cultural heritage.

Additionally, staff follows the MEIR mitigation measures for potential cultural resources. Staff is not aware of any particular circumstance or information that would make impacts to cultural resources a reasonably foreseeable impact that was not identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to loss of cultural resources pursuant to CEQA Guideline Section 15179(b)(1).

Within the last five years, the City has lost two lawsuits (Valley Advocates v. COF and Heritage Fresno v. RDA, City of Fresno) related to historical resources that related to six particular buildings at two different particular sites. The CEQA projects at issue were reviewed under independent CEQA documents, not under the MEIR as subsequent projects (*i.e.*, one under a separate EIR and one under a categorical exemption). These projects are site specific and are not reasonably expected to create additional impacts to cultural resources that would affect a finding under Section 15179. These particular projects may be properly assessed under the MEIR focused EIR procedures or mitigated negative declaration procedures under Section 15178 and not affect the overall MEIR findings.

Generation of Noise. The City of Fresno continues to implement mitigation measures and applicable plan policies to reduce the level of noise to which sensitive noise receptors are exposed. These efforts include identification of high noise exposure areas, limiting the development of new noise sensitive uses within these identified areas and conducting noise exposure studies and requiring implementation of appropriate design measures to reduce noise exposure. Staff finds that these efforts have adequately addressed any potential impacts that may have arisen related to noise and is not aware of any facts or circumstance that would make noise impacts have a more severe impact than that identified in the MEIR. Additionally, staff is not aware of any information or data that was not known at the time that the MEIR was certified that would be able to mitigate noise impacts beyond that identified and contemplated by the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to noise impacts pursuant to CEQA Guideline Section 15179(b)(1).

<u>Geology and Soils</u>. The City of Fresno has a predominantly flat terrain with few geologic or soil quality constraints. The City continues to apply applicable local and state construction codes and standards and continues to adopt new standards as appropriate to insure the safety of residents and protection of property improvements.

Staff finds that these codes and standards have adequately addressed any potential impacts that may have arisen related to geology and soils and is not aware of any facts or circumstance that would make impacts related to geology and soils a reasonably foreseeable impact not addressed in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known regarding impacts related to geology and soils pursuant to CEQA Guideline Section 15179(b)(1).

Hazards and Potential Generation of Hazardous Materials The City continues to implement General Plan policies and assure compliance with MEIR mitigation measures as new development is planned and constructed, and as Code Enforcement activities are conducted, in order to prevent flood damage, structural failures due to soil and geologic instability, and wildfire losses. Development in the vicinity of airports has been reviewed and appropriately conditioned with regard to adopted and updated airport safety and noise policies. In consultation with Fresno County Environmental Health and the California Environmental Protection Agency Department of Toxic Substances Control, industrial and commercial facilities that use, handle, or store potentially hazardous materials are appropriately sited, conditioned, and inspected periodically by the Fresno Fire Department to prevent adverse occurrences. Homeland Security regulations have been taken into consideration when reviewing food production, processing and storage facilities, and the City has conducted and participated in multiple emergency response exercises to develop response plans that would protect life, health, and safety in the event of railroad accidents and other potential hazards.

Staff finds that these procedures, as outlined in the 2025 Fresno General Plan and its MEIR (as well as in related regulations and codes pertaining to hazards and hazardous materials) have adequately addressed potential impacts that may have arisen related to hazards. Staff is not aware of any facts or circumstance that would make impacts related to hazards and hazardous materials reasonably foreseeable impacts not addressed in the MEIR. Staff finds that the circumstances have not materially changed from the time the MEIR was certified and/or new information is not known related to impacts from hazards and hazardous materials pursuant to CEQA Guideline Section 15179(b)(1).

<u>Demand for Energy</u>. The City of Fresno has taken a number of steps to reduce energy consumption, both "in house" to set an example, and in the policy arena. The most notable "inhouse" actions are the following:

- Construction of solar panel generator facilities at the Municipal Services Center (MSC) and at Fresno-Yosemite International Airport. The MSC facility, completed_in 2004, generates 3.05 GWt of energy (equivalent to operation of 286 homes per year) and has resulted in reduction of 966 tons of CO₂ emissions (equivalent to 2,414,877 vehicular miles not driven).
- Replacement of a significant number of vehicles in the municipal fleet with clean air vehicles (please refer to the following table).

CURRENT CITY OF FRESNO "CLEAN AIR" FLEET

50	CNG Transit Buses
4	CNG Trolleys
6	CNG Handi-Ride Buses
59	Retrofitted Diesel Powered Buses with REV (reduced emission vehicle) engines and diesel particulate traps

2	Hybrid (gasoline-electric) Transit Buses
	Trybita (gasomic-clostro) Transit Bases
2	Hybrid (diesel-electric) Transit Buses
12	Compressed Natural Gas (CNG) Pickups, Vans and Sedans
7	Flex Fuel Pickups, Vans and Sedans (CNG/Unleaded Fuel)
3	Compressed Natural Gas (CNG) Street Sweepers
52	Hybrid (gasoline-electric) Sedans and Trucks
34	Electric Vehicles
5	Propane Powered Vehicles
103	LNG Powered Refuse Trucks
59	Retrofitted Diesel Powered Refuse Trucks with combination lean NOx catalyst and diesel particulate filters
9	Retrofitted Diesel Powered Street Sweepers with combination lean NOx catalyst and diesel particulate filters
1	Plug-In CNG/Electric Hybrid Refuse Truck
56	Heavy duty diesel trucks and construction equipment equipped with exhaust after-treatment devices
9	Off Road Equipment with exhaust after-treatment devices
473	Total "Clean Air" Vehicles in the City of Fresno fleet

In the development standards policy arena, the City is taking numerous steps to increase residential densities and connectivity between residential and commercial land uses, thus facilitating more walking, biking and transit ridership (which has increased 22% in recent months) and saving energy:

- Amended the zoning code to allow development of mixed use projects in all commercial zone districts citywide, and in the C-M and M-1 zone districts within the Central Area.
- Amended the zoning code to allow density bonuses for affordable housing projects. Such bonuses permit density increases of approximately 30%.
- Amended zoning code to eliminate the "drop down" provision, which permitted development at one density range less than that shown on the adopted land use map.

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- Amended the zoning code to increase heights in various residential and commercial zone districts and reduce the minimum lot size in the R-1 zone district from 6,000 to 5,000 square feet.
- Initiated the Activity Center Study, which is defining the potential Activity Centers located in Exhibit 6 of the 2025 Fresno General Plan and proposing design classifications and increased density ranges for these centers and corresponding transportation corridors.

Staff is not aware of any facts or circumstance that would make impacts related to energy demands reasonably foreseeable impacts that were not addressed in the MEIR. Staff finds that the circumstances have not materially changed from the time the MEIR was certified and/or new information is not known related to energy demand impacts pursuant to CEQA Guideline Section 15179(b)(1).

Mineral Resources. The City of Fresno has adopted plan policies and City ordinance provisions consistent with requirements of the State of California necessary to preserve access to areas of identified resources and for restoration of land after resource recovery (surface mining) activities. Staff finds that these policies and Fresno Municipal Code provisions have adequately addressed any potential impacts that may have arisen related to mineral resources and is not aware of any facts or circumstance that would make loss of mineral resources a reasonably foreseeable impact not addressed in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to loss of mineral resources pursuant to CEQA Guideline Section 15179(b)(1).

School Facilities. The City of Fresno continues to consult with affected school districts and participate in school site planning efforts to assure the identification of appropriate location alternatives for planned school facilities. Staff is not aware of any information from the school districts or otherwise to demonstrate that adequate school facilities are not being accommodated under the current General Plan and/or that the need for school facilities is expected to cause impacts not identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to need for school facilities pursuant to CEQA Guideline Section 15179(b)(1).

Potential Aesthetic Impacts. Design Guidelines were appended to the 2025 Fresno General Plan through the plan adoption process conducted concurrently with MEIR analysis. As noted previously, General Plan policies encourage and promote infill development, and the City of Fresno Planning and Development Department has implemented design guidelines for reviewing infill housing development proposals. The Department has prepared detailed design guidelines for the Tower District Specific Plan area and the Fulton-Lowell Specific Plan area, both of which contain enclaves of unique structures. The City has adopted policies promoting incorporation of public art within private development projects, which will contribute to a more appealing visual environment, benefitting users of the private property as well as the surrounding community. In addition, the City of Fresno and the City of Fresno Redevelopment Agency have funded public improvements which improve the general aesthetic. Staff is not aware of any situation or circumstances where there are reasonably foreseeable aesthetic impacts not identified and assessed in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related aesthetic impacts pursuant to CEQA Guideline Section 15179(b)(1).

Appendix: Status of MEIR Analysis With Regard to Air Quality and Climate Change

APPENDIX

STATUS OF MEIR ANALYSIS WITH REGARD TO AIR QUALITY AND CLIMATE CHANGE

EXECUTIVE SUMMARY

Planning staff has worked closely with the regional San Joaquin Valley Air Pollution Control District (SJVAPCD) since the November 2002 certification of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR). Potential air quality impacts have been analyzed for every environmental assessment initial study done for City development projects. Projects are required to comply with SJVAPCD rules and regulations via conditions of approval and mitigation measures formulated in the MEIR.

Overall, revisitation of these issues leads to the conclusion that, while there have been changes in air quality laws, planning requirements, and rules and regulations since certification of the MEIR, the actual environmental setting has not evidenced degradation of air quality. In conjunction with SJVAPCD attainment plans and attendant rules and regulations that were adopted prior to the certification of the MEIR, policies in the 2025 Fresno General Plan and MEIR mitigation measures aimed at improving air quality appear to be working. Since 2002, data show that pollutant levels have been steadily decreasing for ozone/oxidants and for particulate matter (10 microns and 2 microns in size). Recent adoption of new air quality attainment plans by SJVAPCD, calling for broader and more stringent rules and regulations to achieve compliance with national and state standards, is expected to accelerate progress toward attainment of clean air act standards.

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Conditional Use Permit No. C-08-293 and Vesting Tentative Tract Map No. T-5903 or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

SUPPORTING DATA AND ANALYSIS

While there have been changes in air quality regulations since the November 2002 certification of the 2025 Fresno General Plan MEIR, the actual environmental setting has not evidenced degradation of air quality.

The adverse air quality impacts associated with the myriad of human activities potentiated by the long range general plan for the Fresno metropolitan area can be expected to remain

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significant and unavoidable, and cannot be completely mitigated through the General Plan or through project-level mitigation measures. In order to provide a suitable living environment within the metropolitan area, the General Plan and its MEIR included numerous air pollution reduction measures.

The 2025 Fresno General Plan and its MEIR gave emphasis to pursuing cleaner air as an over-arching goal. The urban form element of the General Plan was designed to foster efficient transportation and to support mass transit and subdivision design standards are being implemented to support pedestrian travel. Strong policy direction in the Public Facilities and Resource Conservation elements require that air pollution improvement be a primary consideration for all land development proposals, that development and public facility projects conform to the 2025 Fresno General Plan and its EIR mitigation measures, and that the City work conjunctively with other agencies toward the goal of improving air quality.

The MEIR mitigation checklist sketched out a series of actions for the City to pursue with regard to its own operations, and City departments are pursuing these objectives. The Fresno Area Express (FAX) bus fleet and the Department of Public Utilities solid waste collection truck fleet are being converted to cleaner fuels. Lighter-duty vehicle fleets are also incorporating alternative fuels and "hybrid" vehicles. Mass transit system improvements are supporting increased ridership. Construction of sidewalks, paseos, bicycle lanes and bike paths is being required for new development projects, and are being incorporated into already-built segments of City rights-of-way with financing from grants, gas tax, and other road construction revenues. Traffic signal synchronization is being implemented. The Planning and Development Department amended the Fresno Municipal Code to ban all types of residential woodburning appliances, thereby removing the most prominent source of particulate matter pollution from new construction.

Pursuant to a specific MEIR mitigation measure, all proposed development projects are evaluated with the "Urbemis" air quality impact model that evaluates potential generation of a range of air pollutants and pollutant precursors from project construction, project-related traffic, and from various area-wide non-point air pollution sources (e.g., combustion appliances, yard maintenance activities, etc.). The results of this "Urbemis" model evaluation are used to determine the significance of development projects' air quality impacts as well as the basis for any project-specific air quality mitigation measures.

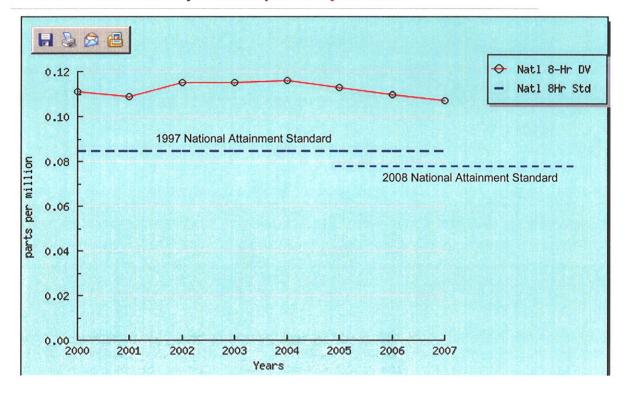
There are no new (*i.e.*, unforeseen in the MEIR) reasonable mitigation measures which have become available since late 2002 that would assure the reduction of cumulative (city-wide) air quality impacts to a less than significant level at project buildout, even with full compliance with attainment plans and rules promulgated by the California Air Resources Board and the San Joaquin Valley Air Pollution Control District.

Through implementation of regional air quality attainment plans by the San Joaquin Valley Unified Air Pollution Control District (SJVAPCD), as supported by implementation of 2025 Fresno General Plan policies and MEIR mitigation measures, air pollution indices have shown improvement. Progress is being made toward attainment of federal and state ambient air quality standards.

Ozone/oxidant levels have shown gradual improvement, as depicted in the following graphs and charts from the California Air Resources Board (graphics with an aqua background) and from the San Joaquin Valley Air Pollution Control District (those with no background color):

Air Resources Board

Ozone Trends Summary: San Joaquin Valley Air Basin

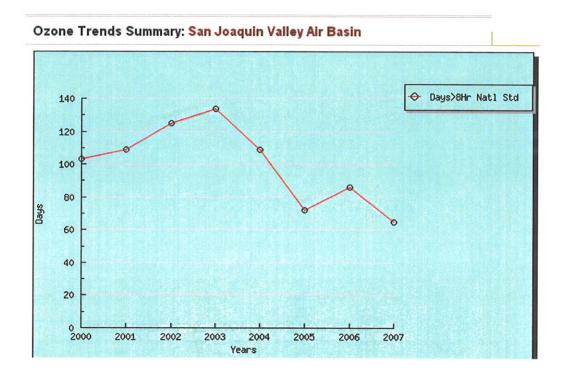


GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

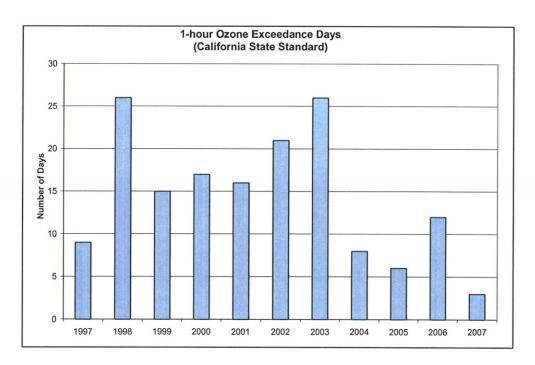
Under the 1997 standard, in effect through the end of 2007, "Attainment" would be achieved if the three-year average were less than, or equal to, 84 parts per billion (ppb), or 0.084 parts per million (ppm). In 2008, a new National 8-Hour Ozone Attainment standard went into effect: a three year average of 75 ppb (0.075 ppm). Data and attainment status for 2008 is expected to become available in 2009.

The California Clean Air Act has a different calculation method for its 8-hr oxidant [ozone] standard design value, and an attainment standard that is lower (0.070 ppm). The ozone improvement trend under the state Clean Air Act 8-hour ozone standard parallels the trend for the national 8-hour standard.

Correspondingly, the number of days per year in which the National 8-hour Ozone Standard has been exceeded have also decreased since the end of 2002:



In 1997, the Federal Clean Air Act repealed the former National 1-hour Ozone standard. However, the California Clean Air Act retains this air pollution parameter. The days per year in which the State of California 1-hour ozone standard has been exceeded have also shown a generally decreasing trend in the time since the 2025 Fresno General Plan MEIR was certified:



The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward

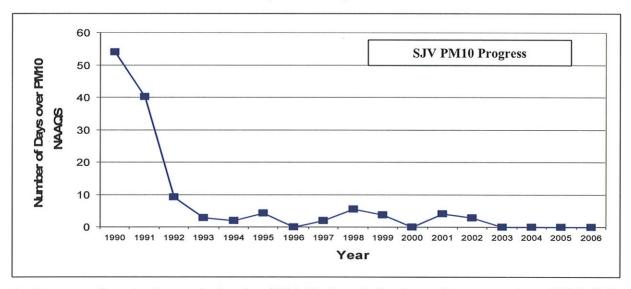
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improvement, the rate of progress toward full attainment is not sufficient to reach the national ambient air quality standards by the target date established by the attainment plan. Mobile sources (vehicle engines) are the primary source for ozone precursors, and the regulation of mobile sources occurs at the national and state levels and is beyond the direct regulatory reach of the regional air pollution control agency. As noted in the 2025 Fresno General Plan MEIR and reflected in the Statement of Overriding Considerations made when the MEIR was certified, potentially significant and unavoidable adverse air quality impacts are inherent in population growth and construction in the City of Fresno, given the Valley's climatology and the limitations on regulatory control of air pollutant precursors.

In 2004, the San Joaquin Valley Air Pollution Control District, in conjunction with the California Air Resources Board, approved a re-designation for the San Joaquin Valley Air Basin to "Extreme Nonattainment" status for ozone, approving a successor air quality attainment plan that projects San Joaquin Valley attainment of the national 8-hour ozone standard by year 2023. This designation and its accompanying attainment plan were submitted to the U.S. Environmental Protection Agency (USEPA) in November of 2004. To date, no formal action has been taken by USEPA to date on the proposed designation or the attainment plan; the Valley remains in "Severe Non- attainment" as of this writing.

The change from "Severe" to "Extreme" ozone Nonattainment would represent an extension of the deadline for attainment, but since the regional air basin would not have achieved attainment by the original deadline, this does not materially affect environmental conditions for the City of Fresno as they were analyzed in the MEIR for the 2025 Fresno General Plan. The proposed revised ozone attainment plan includes not only all the measures in the preceding ozone attainment plan, but additional measures for regulating a wider range of activities to attain ambient air quality standards.

The Valley's progress toward attaining national and state standards for PM-10 (particulate matter less than 10 microns in diameter) has been greater since certification of the MEIR:



As the preceding chart reveals, levels of PM-10 air pollution have decreased since 2002. When the MEIR was certified, the San Joaquin Valley Air Basin was designated in "Serious Nonattainment" for national standards. As of 2007, the number of days where standards were exceeded has decreased to the extent that the Valley has been deemed to be in Attainment. Under Federal Clean Air Act Section 107(d)(3), PM-10 attainment plans and associated rules

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and regulations remain in place to maintain this level of air quality. New and expanded regulations proposed to combat "Extreme" ozone pollution and PM-2.5 (discussed below) would be expected to provide even more improvement in PM-10 pollution situation.

The 2025 Fresno General Plan provided policy direction in support of "indirect source review" as a method for controlling mobile source pollution. Although vehicle engines and fuels are outside the purview of local and regional jurisdictions in California, approaching mobile source pollution indirectly, through regulation and mitigation of land uses which generate traffic, is an alternative approach.

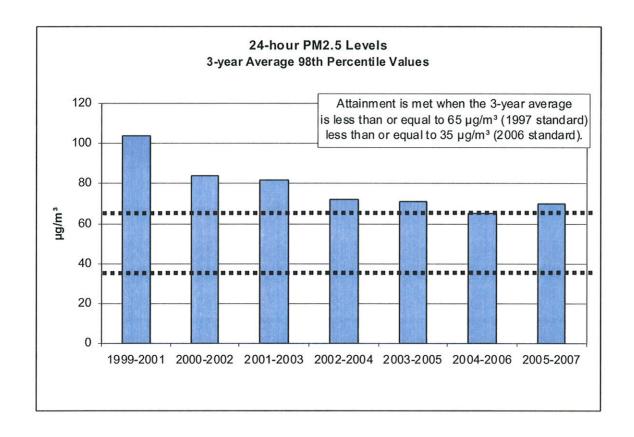
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated under Rule 9510 and are implementing many aspects of the Rule, such as clean air design (pedestrian and bike facilities; proximal siting of residential and commercial land uses; low-pollution construction equipment; dust control measures; cleaner-burning combustion appliances, etc.).

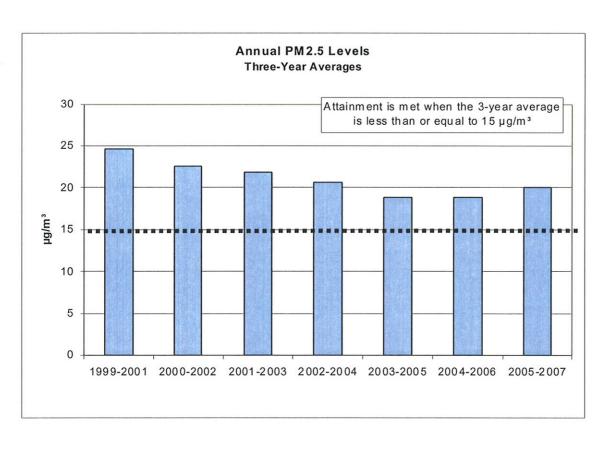
It is anticipated that full implementation (release of mitigation impact fees for various clean air projects throughout the San Joaquin Valley) and subsequent augmentation of the Indirect Source Review Rule will accelerate progress toward attainment of federal and state ozone standards, and will be an important component of the attainment plan for PM-2.5 (very fine particulate matter) and for greenhouse gas reductions to combat global climate change.

PM-2.5 is a newly-designated category of air pollutant, the component of PM-10 comprised of particles 2.5 microns in diameter or smaller. The 1997 Clean Air Act Amendments directed that this pollutant be brought under regulatory control, but federal and state standards/designations had not been finalized when the 2025 Fresno General Plan MEIR was drafted and certified. In the intervening time, the San Joaquin Valley Air Basin has been classified as being in "Nonattainment" for the 1997 federal PM-2.5 standard and for the State PM-2.5 standard.

An attainment demonstration plan for the federal 1997 PM-2.5 standard has been adopted by the SJVAPCD and approved by the California Air Resources Board, and forwarded to the EPA for approval (status as of mid-2008). The attainment plan would achieve compliance with the 1997 federal Clean Air Act PM-2.5 standard by year 2014, in conjunction with California Air Resources Board (and US EPA) action to improve diesel engine emissions. The San Joaquin Valley Air Basin has not yet been classified under the more stringent revised federal 2006 PM-2.5 standard; this classification is expected by 2009.

As with ozone and PM-10 pollution, levels of PM-2.5 have already been reduced by already-existing air quality improvement planning policies, mitigation measures, and regulations. The following charts depict historic PM-2.5 monitoring data for the regional air basin. Once the expected SJVAPCD attainment plan is implemented measures specific to PM-2.5 control, the rate of progress toward attainment of federal and state PM-2.5 standards will accelerate.





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When the 2025 Fresno General Plan and its MEIR were approved in late 2002, the planning and environmental documents did not directly or separately analyze potential global warming and climate change impacts. However, the general policy direction for consideration of air quality parameters in development project evaluations and for reducing those air pollutants which are already under regulation would operate to control these potential adverse impacts.

"Global warming" is the term coined to describe a widespread climate change characterized by a rising trend in the Earth's ambient average temperatures with concomitant disturbances in weather patterns and resulting alteration of oceanic and terrestrial environs and biota. When sunlight strikes the Earth's surface, some of it is reflected back into space as infrared radiation. When the net amount of solar energy reaching Earth's surface is about the same as the amount of energy radiated back into space, the average ambient temperature of the Earth's surface would remain more or less constant. Greenhouse gases potentially disturb this equilibrium by absorbing and retaining infrared energy, trapping heat in the atmosphere—the "greenhouse gas effect."

The predominant current opinion within the scientific community is that global warming is occurring, and that it is being caused and/or accelerated via generation of excess "greenhouse gases" [GHGs], that natural carbon cycle processes (such as photosynthesis) are unable to absorb sufficient quantities of GHG and cannot keep the level of these gases or their warming effect under control. It is believed that a combination of factors related to human activities, such as deforestation and an increased emission of GHG into the atmosphere from combustion and chemical emissions, is a primary cause of global climate change.

The predominant types of anthropogenic greenhouse gases (those caused by human activity), are described as follows. It should be noted that the starred GHGs are regulated by existing air quality policies and rules pursuant to their roles in ozone and particulate matter formation and/or as potential toxic air contaminants.

- carbon dioxide (CO₂), largely generated by combustion activities such as coal and wood burning and fossil fuel use in vehicles but also a byproduct of respiration and volcanic activity;
- *methane (CH₄), known commonly as "natural gas," is present in geologic deposits and is also evolved by anaerobic decay processes and animal digestion. On a ton-for-ton basis, CH₄ exerts about 20 times the greenhouse gas effect of CO₂;
- *nitrous oxide (N₂O), produced in large part by soil microbes and enhanced through application of fertilizers. N₂O is also a byproduct of fossil fuel burning: atmospheric nitrogen, an inert gas that makes up a large proportion of the atmosphere, is oxidized when air is exposed to high-temperature combustion. N₂O is used in some industrial processes, as a fuel for rocket and racing engines, as a propellant, and as an anesthetic. N₂O is one component of "oxides of nitrogen" (NOX), long recognized as precursors of smog-causing atmospheric oxidants.
- *chlorofluorocarbons (CFCs), synthetic chemicals developed in the late 1920s for use as improved refrigerants (e.g., "Freon™"). It was recognized over two decades ago that this class of chemicals exerted powerful and persistent greenhouse gas effects. In 1987, the Montreal Protocol halted production of CFCs.
- *hydrofluorocarbons (HFCs), another class of synthetic refrigerants developed to replace CFCs;

- *perfluorocarbons (PFCs), used in aluminum and semiconductor manufacturing, have an
 extremely stable molecular structure, with biological half-lives tens of thousands of years,
 leading to ongoing atmospheric accumulation of these GHGs.
- *sulfur hexafluoride (SF₆) is used for insulation in electric equipment, semiconductor manufacturing, magnesium refining and as a tracer gas for leak detection. Of any gas evaluated, SF₆ exerts the most powerful greenhouse gas effect, almost 24,000 times as powerful as that of CO₂ on a ton-for-ton basis.
- water vapor, the most predominant GHG, and a natural occurrence: approximately 85% of the water vapor in the atmosphere is created by evaporation from the oceans.

In an effort to address the perceived causes of global warming by reducing the amount of anthropogenic greenhouse gases generated in California, the state enacted the Global Warming Solutions Act of 2006 (Codified as Health & Safety Code Section 38501 *et seq.*). Key provisions include the following:

- Δ Codification of the state's goal by requiring that California's GHG emissions be reduced to 1990 "baseline" levels by 2020.
- Δ Set deadlines for establishing an enforcement mechanism to reduce GHG emissions:
 - By June 30, 2007, the California Air Resources Board ("CARB") was required to publish "discrete early action" GHG emission reduction measures. Discrete early actions are regulations to reduce greenhouse gas emissions to be adopted by the CARB and enforceable by January 1, 2010;
 - By January 1, 2008, CARB was required to identify what the state's GHG emissions were in 1990 (set the "baseline") and approve a statewide emissions limit for the year 2020 that is equivalent to 1990 levels. (These statewide baseline emissions have not yet been allocated to regions, counties, or smaller political jurisdictions.) By this same date, CARB was required to adopt regulations to require the reporting and verification of statewide greenhouse gas emissions.
 - By January 1, 2011, CARB must adopt emission limits and emission reduction measures to take effect by January 1, 2012.

As support for this legislation, the Act contains factual statements regarding the potential significant impacts on California's physical environment that could be caused by global warming. These include, an increase in the intensity and duration of heat waves, the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snow pack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.

On August 24, 2007, California also enacted legislation (Public Resources Code §§ 21083.05 and 21097) requiring the state Resources Agency to adopt guidelines for addressing climate change in environmental analysis pursuant to the California Environmental Quality Act. By July 1, 2009, the Governor's Office of Planning and Research (OPR) is required to prepare guidelines for the mitigation of greenhouse gas emissions, and transmit those draft regulations to the Resources Agency. The Resources Agency must then certify and adopt the guidelines by January 1, 2010.

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The recently-released update of the Urbemis computer model (used by the City of Fresno Planning and Development Department for environmental assessments, pursuant to a specific MEIR mitigation measure) does provide data on the amounts of CO₂ and oxides of nitrogen (NOX) potentially generated by development projects. However, at this point in time, neither CARB nor the SJVAPCD has determined what the 1997 baseline or current "inventory" of GHGs is for the entire state nor for any region or jurisdiction within the state. No agency has adopted GHG emission limits and emission reduction measures, and because CEQA guidelines have not been established for the evaluation and mitigation of greenhouse gas emissions (there is an absence of regulatory guidance). Therefore, the City is unable to productively interpret the results of the Urbemis model with regard to GHGs, and there is currently no way to determine the significance of a project's potential impact upon global warming.

The 2025 Fresno General Plan provides an integrated combination of residential, commercial, industrial, and public facility uses allowing for proximate location of living, work, educational, recreational, and shopping activities within Fresno metropolitan area. This combination of uses has been identified as a potential mitigation measure to address global warming impacts in a document published by the California Attorney General's Office entitled, *The California Environmental Quality Act Mitigation of Global Warming Impacts* (updated January 7, 2008). Specifically, this document describes this mitigation measure as follows, "Incorporate mixeduse, infill and higher density development to reduce vehicle trips, promote alternatives to individual vehicle travel, and promote efficient delivery of services and goods"—echoing objectives and policies of the 2025 Fresno General Plan adopted in late 2002.

The General Plan contains a mix of land uses would be expected to generate fewer vehicle miles traveled per capita, leading to reduced emissions of greenhouse gases from engine emissions. It provides for overall denser development with high-intensity enclaves, associated with increased public transit use. The plan fosters mixed use and infill development (being implemented by mixed-use zoning ordinances added to the Fresno Municipal Code, as directed by 2025 Fresno General Plan) policies. The urban form element distributes neighborhood-level and larger commercial development, public facilities such as schools, and recreational sites throughout the metropolitan area, reducing vehicle trips.

Any manufacturing activities that would generate SF₆, HFCs, or PFCs would be subject to subsequent environmental review at the project-specific level, as would any uses which would generate methane on site. The City of Fresno has adopted an ordinance prohibiting installation of any woodburning fireplaces or woodburning appliances in new homes, which would reduce CO_2 and N_2O from wood combustion.

Through updates in the California Building Code and statewide regulation of appliance standards, City development projects conform to state-of-the art energy-efficient building, lighting, and appliance standards as advocated in the California Environmental Protection Agency's publication Climate Action Team / Proposed Early Actions to Mitigate Climate Change in California (April 2007) and in CARB's Proposed Early Actions to Mitigate Climate Change in California (April 2007). The City has further incentivized "green" building projects by providing subsidies for solar photovoltaic equipment for single-family residential construction, by reducing development standards (including reductions in required parking spaces, which further reduces air pollutant and GHG emissions), and by improving its landscape and shading standards (a topic included in the Design Guidelines adopted with the 2025 Fresno General Plan).

Updated engine and tire efficiency standards would apply to residents' vehicles, as well as the statewide initiatives applicable to air conditioning and refrigeration equipment, regional

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transportation improvements, power generation and use of solar energy, water supply and water conservation, landfill methane capture, changes in cement manufacturing processes, manure management (methane digester protocols), recycling program enhancements, and "carbon capture" (also known as "carbon sequestration," technologies for capturing and converting CO₂, removing it from the atmosphere).

Due to the lack of data or regulatory guidance that would indicate the 2025 Fresno General Plan had a significant adverse impact upon global climate change, the relatively small size of the Fresno Metropolitan Area in conjunction with the worldwide scope of GHG emissions, and the emphasis in the 2025 Fresno General Plan upon integrated urban design and air pollution control measures, it could not be concluded in 2002 nor at present that the 2025 Fresno General Plan would have a significant adverse impact on global climate change.

As to potential impacts of global warming upon the 2025 Fresno General Plan: the city is located in the Central Valley, in an urbanized area on flat terrain distant from the Pacific coast and from rivers and streams. It is outside of identified flood prone areas. Based on its location we conclude that Fresno is not likely to be significantly affected by the potential impacts of global climate change such as increased sea level and river/stream channel flooding; nor is it subject to wildfire hazards. While Fresno does contain areas with natural habitat (the San Joaquin Bluffs and Riverbottom), a change in these areas' biota induced by global warming would not leave them bereft of all habitat value—it would simply mean a change in the species which would be encountered in these areas. The 2025 Fresno General Plan preserves this habitat open space area for multiple objectives (protection from soil instability and flood inundation; conservation of designated high-quality mineral resources), so any natural resource species changes in those areas would not constitute a significant adverse impact to the city or a loss of resource area.

Fresno has historically had high ambient summer temperatures and an historic heat mortality level that is among the highest in the state (5 heat-related deaths annually per 100,000 population). Due to the prevalence of air conditioning in dwellings and commercial buildings, an increase in extreme heat days from global warming is not expected by the California Air Resources Board Research Division to significantly increase heat-related deaths in Fresno, as opposed to possible effects in cooler portions of the state such as Sacramento or Los Angeles areas (reference: *Projections of Public Health Impacts of Climate Change in California: Scenario Analysis*, by Dr. Deborah Dreschler, Air Resources Board, April 9, 2008). Increased summertime temperatures which may be caused by global warming will be mitigated by the City's landscaping standards to provide shade trees, by statewide energy efficiency standards which insulate dwellings from heat and cold, and by urban design standards which require east-west orientation of streets and buildings to facilitate solar gain. Fresno has a heat emergency response plan and provides cooling centers and free transportation to persons who do not have access to air conditioning.

Secondary health effects of global warming could include increases in respiratory and cardiac illnesses attributable to poor air quality. The San Joaquin Valley Air Pollution Control District provides daily advisories and warnings in times of high ozone levels to help senior citizens and other sensitive populations avoid exposure. The SJVAPCD has committed to attainment of fine particulate matter (PM2.5) standards by Year 2014 and to attainment of oxidant/ozone standards by Year 2023, and would adopt additional Rules and emission controls as necessary to decrease emissions inventories by those target dates. There is insufficient information to indicate that global climate change would prevent attainment of air quality parameters affecting health.

Pursuant to 2025 Fresno General Plan policy and MEIR mitigation measures, the City's Department of Public Utilities and Fire Department are required to affirm that adequate water service can be provided to all development projects for potable and fire suppression uses. The City derives much of its water supply from groundwater, using its surface water entitlements from the Kings and San Joaquin Rivers primarily to recharge the aquifer. A high percentage of Fresno's annual precipitation is captured and percolated in ponding basins operated by Fresno Metropolitan Flood Control District. If global climate change leads to a longer rainy season and/or more storm events throughout the year, groundwater supplies could be improved by additional percolation.

The City of Fresno currently treats and distributes only some 20% of its 150,000 acre-foot/year (AFY) surface water entitlement for the municipal water system, directing another 50,000 to 70.000 AFY to recharge activities via ponding basins. Presently, the City is unable to recharge the full balance of its annual entitlement in average and wet years, and releases any unused surface water supplies to area irrigation districts for agricultural use in the metropolitan area, (which further augments groundwater recharge through percolation of irrigated water).

Future surface water plant construction projects envisioned by the 2025 Fresno General Plan would account for less than 120,000 acre-feet per year of the surface supply. The General Plan direction for future Metropolitan Water Resource Management Plans includes exploring the use of recycled treated wastewater for non-potable uses such as landscape irrigation, which would further effectively extending the City's water supply..

If the global climate change were to cause a serious and persistent decrease in Sierra snowpack, some of Fresno's water supply could be affected. However, historic records show that the very long-term prevailing climatic pattern for Central California has included droughts of long (often, multi-year) duration, interspersed with years of excess precipitation. Decades before global climate change was considered as a threat to California's water system, state and local agencies recognized a need to augment water storage capacity for excess precipitation occurring in wet years, to carry the state through the intervening dry years.

The potential for episodic and long-term drought is considered in the city's Metropolitan Water Resource Plan and in its the Urban Water Management Plan Drought Contingency component, to accommodate reductions in available water supplies. In times of extended severe regional or statewide drought, a reprioritization of water deliveries and reallocation for critical urban supplies vs. agricultural use is possible, but it is too speculative at this time to determine what the statewide reprioritization response elements would be (the various responses of statewide and regional water agencies to these situations are not fully formulated and cannot be predicted with certainty). Because the true long term consequences of climate change on California's and Fresno's water system cannot be predicted, and, it is too speculative at this time to conclude that there could be a significant adverse impact on water supply for the 2025 Fresno General Plan due to global climate change.

As noted above, it is theorized that global warming could lead to more energy in the atmosphere and to increased intensity or frequency of storm events. Fresno's long-term weather pattern is that rainfall occurs during episodic and fairly high-intensity events. The Fresno Metropolitan Flood Control District (FMFCD) drainage and flood control Master Plan, which sets policies for drainage infrastructure and grading in the entire Fresno-Clovis area, is already predicated on this type of weather pattern. FMFCD sizes its facilities (which development potentiated by the 2025 Fresno General Plan will help to complete) for "two-year storm events," storms of an

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intensity expected in approximately 50 percent of average years; however, the urban drainage system design has additional capacity built into the street system so that excess runoff from more intense precipitation events is directed to the street system. The City's Flood Plan Ordinance and grading standards require that finished floor heights be above the crowns of streets and above any elevated ditchbanks of irrigation canals. FMFCD project conditions also preserve "breakover" historic surface drainage routes for runoff from major storms. Ultimately, drain inlets and FMFCD basin dewatering pumps direct severe storm runoff into the network of Fresno Irrigation District canals and pipelines still extant in the metropolitan area, with outfalls beyond the western edge of the metropolitan area.

Scientific information, analytical tools, and standards for environmental significance of global warming and green house gases were not available to the Planning and Development Department in 2002 when the 2025 Fresno General Plan and its MEIR were formulated and approved--and at this point, there is still insufficient data available to draw any conclusions as to the potential impacts, or significance of impacts, related to global climate change for the 2025 Fresno General Plan. Similarly, there is insufficient information to conclude that global warming may have a potentially significant adverse impact upon the 2025 Fresno General Plan. In a situation when it would be highly speculative to estimate impacts or to make conclusions as to the degree of adversity and significance of those impacts, the California Environmental Quality Act allows agencies to terminate the analysis. In that regard, there is no material change in status from the degree of environmental review on this topic contained in the 2025 Fresno General Plan MEIR.